

Montgomery Planning

9801 GEORGIA AVENUE

PRELIMINARY PLAN 120230160

SITE PLAN 820230130

FOREST CONSERVATION PLAN F20240040



### Description

The Preliminary, Site, and Forest Conservation Plans propose to redevelop an existing medical office into a mixed-use development with up to 420,000 square feet of residential development (up to 390 multi-family residential units) and up to 5,000 square feet of commercial development. The project is located at 9801 Georgia Avenue across the street from the Forest Glen Metrorail Station and is zoned CRT-2.5 C-2.5 R-2.5 H-120' on 3.78 acres within the 2020 *Forest Glen/Montgomery Hills Sector Plan* area.

Nos. 120230160, 820230130  
& F20240040  
Completed: 2-26-2024

MCPB  
Item No. 8  
3-7-2024

Montgomery County  
Planning Board  
2425 Reedie Drive, Floor 14  
Wheaton, MD 20902

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### LOCATION/ADDRESS

9801 Georgia Avenue, Silver Spring

### MASTER PLAN

2020 *Forest Glen/Montgomery Hills Sector Plan*

### ZONE

CRT-2.5, C-2.5, R-2.5, H-120'

### PROPERTY SIZE

3.78 acres

### APPLICANT

JLB Realty, LLC

### ACCEPTANCE DATE

August 23, 2023

### REVIEW BASIS

Chapter 22A, Chapter 50, and Chapter 59

### Summary:

- Staff recommends approval of the Preliminary Plan, Site Plan, and Forest Conservation Plan with conditions.
- The Applicant proposes a mixed-use building with up to 420,000 square feet of residential development (up to 390 dwelling units) including 15% MPDUs, up to 5,000 square feet of commercial uses, and a maximum height of 80 feet, using the Optional Method of development.
- The Application includes a sector plan-recommended half-acre civic green that serves as a gathering space for the community and accommodates a new tunnel entrance to the Forest Glen Metro Station. The existing Forest Glen Road access point will also be eliminated as part of the proposed development.
- In accordance with Section 59.7.3.3.I, the Site Plan will amend Condition 6 of Sketch Plan 320230020 to clarify that responsibility for undergrounding utilities along Forest Glen Road may be assumed by MCDOT.
- The Application received three regulatory extensions to extend the regulatory review period until March 7, 2024.
- Staff has received a high volume of public correspondence regarding this project.

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## SECTION 1: EXECUTIVE SUMMARY

The 2020 *Forest Glen/Montgomery Hills Sector Plan* identified opportunities for redevelopment at strategic locations to provide walkable, neighborhood-serving development. Some of the main goals of the Sector Plan are to improve pedestrian and bicycle access, connectivity, and safety while providing for increased development close to the Forest Glen Metro Station. However, the Plan also acknowledged the need to enhance the compatibility between the land uses adjacent to and along Georgia Avenue and the Forest Glen Metro Station property. This Project, 9801 Georgia Avenue, is the first market-rate development project in the area since the adoption of the Sector Plan.

The Subject Application proposes to redevelop 9801 Georgia Avenue (Forest Glen Medical Center) into a mixed-use building with a maximum height of 80 feet. The proposed building contains a maximum of 425,000 square feet of total development, with up to 390 dwelling units and up to 5,000 square feet of commercial uses.

Development proposed on the Subject Property is shaped by both physical constraints and Sector Plan recommendations. Some of the constraints include the Site's topography and existing utilities, which include approximately 20 feet of grade change across the Property, from west to east, and easements for storm drain and sewer lines. The Property has three public roadway frontages (Georgia Avenue, Forest Glen Road, and Woodland Drive) and sits at the northeast quadrant of the congested Georgia Avenue and Forest Glen Road intersection. Additionally, the proposed development must incorporate stormwater management for the State Highway Administration's Georgia Avenue project, as well as the planned entrance to the Forest Glen Metro Station ("Forest Glen Passageway", MCDOT Project Number P501911). The Sector Plan requirements for a one-half to one acre "civic green" open space, a drop-off location for Metro users, environmental features to off-set the loss of forest, and 35% green area are additional requirements that the development must accommodate.

On March 30, 2023, the Montgomery County Planning Board approved Sketch Plan No. 320230020 with conditions. The Sketch Plan established building height, a maximum square footage of development, a schedule of Public Benefit points, and the general massing of the building. Sketch Plan Condition 12 also identified a number of issues that would require further coordination as part of the Preliminary, Site, and Forest Conservation Plans included in the Subject Application.

Throughout review of the Subject Application, the community raised a variety of issues through written testimony, participation in the Development Review Process Workgroup, and oral testimony received at community meetings that Planning Staff attended. Many of these issues were also raised as part of the Sketch Plan. The community's primary issue is the traffic and safety implications of the proposed Woodland Drive entrance, but community concerns also include the scale of development in terms of units and parking provided, the compatibility of the building massing with the residential neighborhood to the east, and the loss of forest on-site. Planning Staff has received substantial community correspondence regarding this Application, including a petition against the Woodland

Drive access point that has received 317 signatures at the time of Staff Report posting. Correspondence received regarding the Subject Applications is provided as Attachment G.

In response to community concerns about the Woodland Drive access point, the Applicant will be required to fund two major transportation improvements: 1) the Applicant will pay for the signalization of the intersection of Tilton Drive and Georgia Avenue, which will provide routing alternatives that allow traffic to avoid the congestion that exists on Forest Glen Road, and 2) the Applicant will contribute \$1,275,636 towards an MCDOT project to improve the north side of Forest Glen Road with a sidewalk to address pedestrian safety.

In summary, the Subject Applications propose to develop an underutilized site directly adjacent to Metro with 390 housing units, 5,000 square feet of commercial uses, a civic green and a planned Metro entrance. The Subject Applications meet all requirements of the Subdivision Regulations, Zoning Code, and Forest Conservation Law. The proposal is in keeping with the recommendations of 2020 *Forest Glen/Montgomery Hills Sector Plan*, *Thrive Montgomery 2050* and Montgomery County's Vision Zero goals. Staff received substantial community engagement on the Project, which was considered throughout project review, and is addressed in detail in the Community Correspondence section on page 37 of this Staff Report.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN 120230160

Staff recommends approval with conditions of the Preliminary Plan to develop 390 dwelling units and 5,000 square feet of commercial space on the Subject Property. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120230160 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

#### GENERAL APPROVAL

1. This Preliminary Plan is limited to one lot for 390 multi-family dwelling units, including a minimum of 15% MPDUs, and 5,000 square feet of commercial uses and one parcel to be conveyed to MCDOT.

#### ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

#### OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 23, 2024 and incorporates them as conditions of the Preliminary 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 Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letters dated January 24 and January 29, 2024 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated January 11, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. 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 January 15, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### OTHER APPROVALS

10. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

#### TRANSPORTATION

##### Frontage Improvements on Existing Roads

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. All land necessary to accommodate forty-four (44) feet from the existing pavement centerline along the Property frontage for Forest Glen Road.
  - b. All land necessary to accommodate sixty (60) feet from the existing pavement centerline along the Property frontage for Georgia Avenue (MD 97).
12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of an eleven-foot-wide (11ft) sidepath and eight-foot-wide (8ft) street buffer along the Property frontage on Georgia Avenue (MD 97).
13. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of:
  - a. A six-foot-wide (6ft) sidewalk and six-foot-wide (6ft) street buffer along the Property frontage on Woodland Drive.
  - b. A seven-foot-wide (7ft) sidewalk and a minimum five-foot-wide (5ft) street buffer along the Property frontage on Forest Glen Road, unless MCDOT accepts responsibility for the construction of this frontage improvement as part of the "Forest Glen

Passageway” project (MCDOT Project Number P501911) within one year of the date of the Planning Board Resolution.

#### Off-Site Improvements/LATR

14. Before the release of the first residential use and occupancy certificate, the following off-site improvements must be completed pursuant to MDOT SHA requirements:
  - a. New traffic signal located at the intersection of Georgia Avenue (MD 97) and Bonnywood Lane/Tilton Drive.

#### RECORD PLATS

15. There shall be no clearing or grading of the site before recordation of plat(s).
16. The record plat must show necessary easements.

#### CERTIFIED PRELIMINARY PLAN

17. The certified Preliminary Plan must contain the following notes:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
18. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified set.
  - b. Update the lotting plan to reflect the accurate size and configuration of the Tunnel Parcel.



## SITE PLAN 820230130

Staff recommends approval of Site Plan No. 820230130, for the construction of 425,000 square feet of total development, including 420,000 square feet of residential uses or 390 dwelling units, and 5,000 square feet of commercial uses. The development must comply with the conditions of approval for Sketch Plan No. 320230020 as listed in the MCPB Resolution No. 23-027 dated May 16, 2023, as may be amended. 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.<sup>1</sup>

### Amended Sketch Plan Condition

Sketch Plan 320230020

6. The Applicant must underground existing utilities on Forest Glen Road, unless the Montgomery County Department of Transportation accepts responsibility as part of the “Forest Glen Passageway” project, and the Applicant must 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.

### New Conditions

#### DENSITY, HEIGHT & HOUSING

1. Density  
The Site Plan is limited to a maximum of 425,000 square feet of total development on the Subject Property, including 420,000 square feet of residential uses, for up to 390 multi-family dwelling units, and 5,000 square feet of retail non-residential uses.
2. Height  
The development is limited to a maximum height of 80 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. Prior to issuance of the final residential use & occupancy certificate, the Applicant must construct the Civic Green, unless MCDOT accepts responsibility for the construction of the

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

Civic Green as part of the “Forest Glen Passageway” project (MCDOT Project Number P501911) within one year of the Planning Board Resolution.

- b. The Applicant must provide the Civic Green with a minimum functional contiguous space of 0.5 acres, as delineated on the Certified Site Plan. Land that is conveyed by the Applicant for consideration may not be counted towards the Civic Green space.
- c. The Applicant must provide a minimum of 24,272 square feet of public open space (14.7% of site area) on-site.<sup>2</sup>
- d. The Applicant must provide a minimum of 57,657 square feet of green cover (35% of site area) on-site, which includes 9,184 square feet of solar array.
- e. Before release of the surety bond, the Applicant must construct the streetscape improvements along the Property’s frontage on:
  - i. Woodland Drive consistent with the Complete Streets Design Guide, including a landscape buffer of 6 feet.
  - ii. Georgia Avenue consistent with the Complete Streets Design Guide, including a landscape buffer of 8 feet.
  - iii. Forest Glen Road consistent with the Complete Streets Design Guide, including a landscape buffer of 5 feet, unless MCDOT accepts responsibility for the construction of this frontage improvement as part of the “Forest Glen Passageway” project (MCDOT Project Number P501911) within one year of the date of the Planning Board Resolution.
- f. Before release of the surety bond, the Applicant must underground the utilities along Woodland Drive to the extent shown on the Certified Site Plan. The Applicant must underground the utilities along Forest Glen Road unless MCDOT accepts responsibility for the undergrounding as part of the “Forest Glen Passageway” project (MCDOT Project Number P501911) within one year of the date of the Planning Board Resolution.
- g. Before the issuance of the final residential use and occupancy certificates OR release of the surety bond for the development, all public open space areas on the Subject Property must be completed, with the exception of any improvements that MCDOT has accepted responsibility for the construction of as part of the “Forest Glen Passageway” project (MCDOT Project Number P501911).

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.

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<sup>2</sup> Public Open Space excludes 5,000 square feet of vegetated area, which is counted towards Public Benefit points and therefore may not be counted towards Public Open Space. Public Open Space exhibit will be revised to reflect this per Site Plan Condition 17.i

- a. Transit Proximity – The Subject Property abuts a future entrance to WMATA’s Forest Glen Metro Station.
- b. Connectivity between Uses, Activities, and Mobility Options
  - i. Through-Block Connection
 

The Applicant must provide the pedestrian connection between Georgia Avenue and Woodland Drive. The pedestrian connection must be shown on the Certified Site Plan.
- c. Diversity of Uses and Activities
  - i. Affordable Housing/MPDUs
    - a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated February 8, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
    - b) The development must provide 15 percent MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
    - c) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.
- d. Quality Building and Site Design
  - 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. Structured Parking
 

The Applicant must provide all on-site parking spaces within an on-site parking structure. Final determination of the parking quantity must be reflected on the Certified Site Plan.
- e. Protection and Enhancement of the Natural Environment
  - i. Cool Roof
 

The Applicant must provide 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.
  - ii. Energy Conservation and Generation
 

The Applicant must construct 9,184 square feet of a rooftop solar array that will provide on-site renewable energy generation. 1.25% of energy requirements must be provided through the provision of these solar panels. The Applicant must provide 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.

iii. Vegetated Area

The Applicant must install plantings in a minimum of 30 inches of soil, covering a minimum of 5,000 square feet of the site. Area counted towards Vegetated Area Public Benefit points must be excluded from Public Open Space calculations.

5. Recreation Facilities

The Applicant must provide recreation facilities as shown on the Certified Site Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the through-block connection and area included in the Civic Green.

## ENVIRONMENT & NOISE

7. Before the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

8. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, an acoustical engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the recommendations and design details referenced in the acoustical report and approved construction drawing that the interior noise levels do not exceed 45 dBA Ldn.

## TRANSPORTATION & CIRCULATION

9. Transportation

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 February 22, 2024, 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. Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

c. All residential parking must be unbundled from the residential units.

d. The loading bay doors must be closed when not in use.

e. Six on-street parallel parking spaces along Woodland Drive must be designated and reserved for pick-up/drop-off for the Forest Glen Metrorail Station. The time limit and signage to be determined by DPS through the signing and marking plan.

10. Pedestrian & Bicycle Circulation

a. The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.

- b. The long-term spaces must be in secured, well-lit bicycle rooms within 1 floor of the ground floor and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
  - c. The Applicant must provide one bicycle repair station.
  - d. Before issuance of final use and occupancy certificate, the Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit.
    - i. Georgia Avenue (MD 97): eleven-foot-wide (11ft) sidepath with eight-foot-wide (8ft) buffer from traffic.
    - ii. Woodland Drive: six-foot-wide (6ft) sidewalk with six-foot-wide (6ft) buffer from traffic.
    - iii. Forest Glen Road: Seven-foot-wide (7ft) sidewalk and a minimum five-foot-wide (5ft) buffer from traffic, unless MCDOT accepts responsibility for the construction of this frontage improvement as part of the "Forest Glen Passageway" project (MCDOT Project Number P501911).
11. Before the release of the first residential use and occupancy certificate, the following off-site improvements must be completed pursuant to MDOT SHA requirements:
- a. New traffic signal located at the intersection of Georgia Avenue (MD 97) and Bonnywood Lane/Tilton Drive.

## SITE PLAN

### 12. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A03, A04 and A05 of the submitted architectural drawings, as determined by M-NCPPC Staff.

### 13. 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).
  - i. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
  - ii. Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
  - iii. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

- iv. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- v. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

14. 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 only for facilities located on the Property, including, but not limited to the area included in the civic green (portions of which may be in the right-of-way), plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. 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.

15. Development Program

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.

16. 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, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution 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.”

- 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. Include recreation supply exhibit.
- e. Include noise impacted units exhibit.
- f. Modify data table to reflect development standards approved by the Planning Board.
- g. Update Public Benefits Table and Parking Table to reflect details approved by the Planning Board.
- h. Ensure consistency of all details and layout between Site and Landscape plans.
- i. Revise the Public Open Space plan to exclude 5,000 square feet of vegetated area, which is counted towards Public Benefit points in the Vegetated Area category, and therefore cannot be counted towards Public Open Space requirements.
- j. Provide 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, to show that 1.25% of energy requirements are provided through the provision of the solar array.
- k. Revise the Loading Management Plan to include additional information and details on how loading will be limited to appropriate truck sizes (SU-30).
- l. Revise plans to show trash receptacles located in all public open spaces.

## FOREST CONSERVATION PLAN F20240040

Staff recommends approval of Forest Conservation Plan No. F20240040. All site development elements shown on the latest electronic version of the Forest Conservation 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. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
2. The Applicant must schedule the required site inspections with M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
3. 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.
4. Before any demolition, clearing, grading, or construction as shown on this plan, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved offsite forest bank within the Sligo Creek watershed or Priority Area to satisfy the reforestation requirement for a total of 1.11 acres of mitigation credit. The off-site requirement may be met by purchasing 1.32 acres of mitigation 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 Sligo Creek watershed or Priority Area or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank. The Certificate of Compliance must be recorded in the Montgomery County Land Records.
5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the 0.09 acres of canopy credit tree plantings on the Subject Property as shown on the approved FCP. The canopy credit trees must be located outside of any right-of-way or utility easements, including stormwater management easements, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
6. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 64 caliper inches and located outside of any right-of-way or utility easements,



including stormwater management easements, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

7. The Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for 64 caliper inches of variance tree mitigation plantings and 0.09 acres of trees planted for canopy credit.
  
8. The Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for 64 caliper inches of variance mitigation trees and 0.09 acres of trees planted for canopy credit required for meeting the requirements of the FCP.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Subject Property (or “Property” (outlined in yellow below)) is located at the northeast quadrant of the intersection of Forest Glen Road and Georgia Avenue in the Forest Glen area. The Property is located approximately 800 feet north of the Georgia Avenue interchange with I-495 (Capital Beltway), approximately 500 feet east of the Forest Glen Metro Station, and approximately 1,500 feet west of Holy Cross Hospital.

Surrounding and confronting properties to the north and east are single family detached residences. Confronting the Property to the west is high density multifamily housing. Confronting the Property to the south includes Montgomery Hills Baptist Church and single-family detached residences.



Figure 1: Vicinity Map

## PROPERTY DESCRIPTION

The Subject Property has a tract area of 4.93 acres, which is reduced to 4.84 acres after deducting the parcel that will be provided to MCDOT for the “Forest Glen Passageway” project (or “tunnel parcel”).

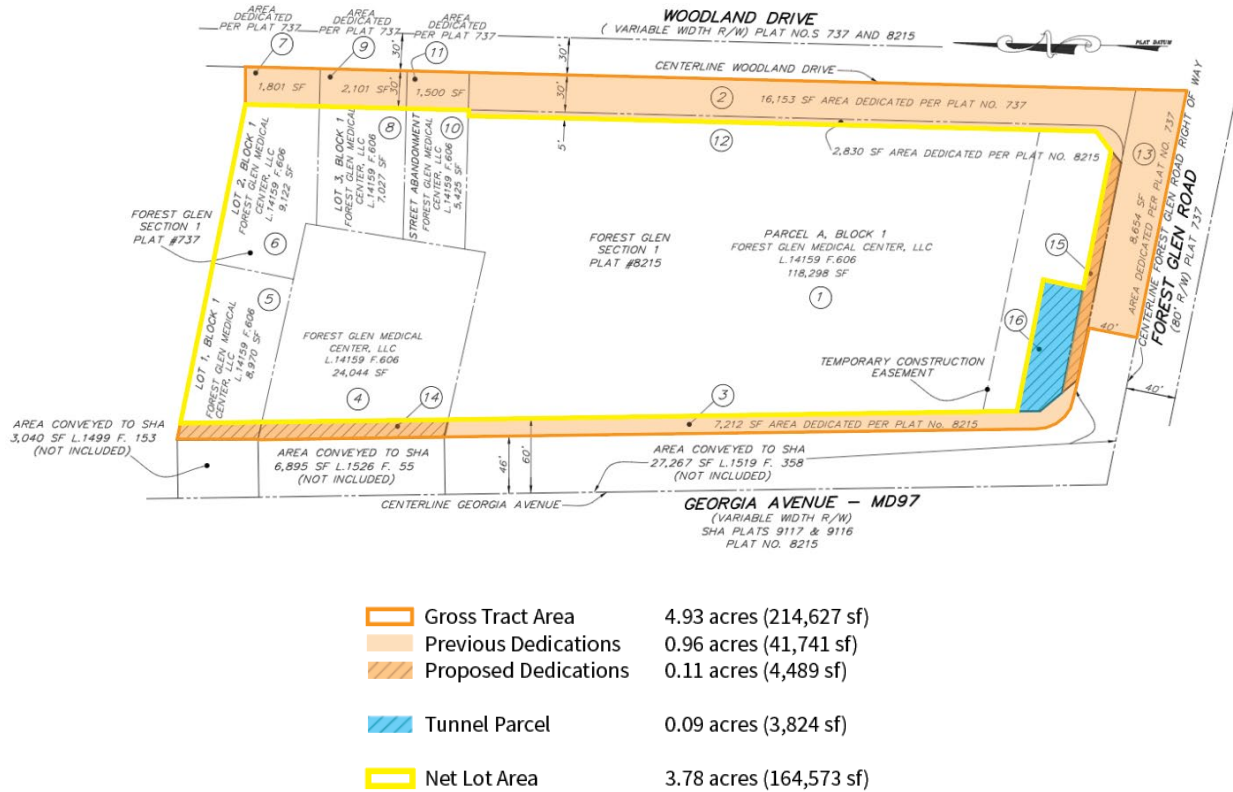


Figure 2: Subdivision Diagram

The Subject Property is composed of six (6) separate properties under the same ownership.

- 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.

The Property has public road frontage on three sides.

- Woodland Drive, to the east, is a secondary residential roadway;
- Forest Glen Road, to the south, is a Town Center Street; and
- Georgia Avenue, to the west, is a Town Center Boulevard.

The Property is currently developed with a medical office building and associated surface parking lot. The existing building is two stories tall as it fronts on Georgia Avenue, with a third story exposed on the Woodland Drive frontage. The Property is currently accessed from Georgia Avenue and Forest Glen Road. The existing access on Forest Glen Road is located approximately 120 feet from the Forest Glen Road and Woodland Drive intersection and approximately 170 feet from the Georgia Avenue (MD 97) and Forest Glen Road intersection. This access point results in several interruptions to pedestrian circulation along Forest Glen Road and creates multiple conflict points between pedestrians and motor vehicles. It also leads to various vehicle turning movements occurring within a short space. The removal of the Forest Glen Road access point, proposed as part of the Subject Applications, allows for uninterrupted pedestrian circulation along this block of Forest Glen Road and removes a conflict point along a heavily used multimodal corridor.



*Figure 3: Subject Property Existing Conditions*

The Subject Property slopes from a high point along Georgia Avenue down to Woodland Drive with a grade change of approximately 20 feet. There is also a north-south slope, with a decrease of 8 feet from the northern extent of Woodland Drive frontage to the southern extent. The parking lot has internal retaining walls to separate the rows of parking and mitigate the grade.

There is 0.43 acres of forest on the Property, with evidence of prior clearing and dumping. While patches of forest are important for habitat and sources of food for wildlife, the existing forest has poor structure and many invasive species.

## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### SPECIAL EXCEPTIONS

The Subject Property was subject to special exception approvals BA-21354, BA-1849, BA-1836, and CBA-1838 to allow the existing medical office building within the R-60 zone. These approvals will be abandoned as part of the redevelopment of the Property.

#### SKETCH PLAN 320230020

On March 30, 2023, the Planning Board approved Sketch Plan 320230020 for construction of up to 460,000 square feet of total development, with 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. The Sketch Plan Approval is currently under judicial review. Until a court rules otherwise, the Approval remains valid. The Sketch Plan established a maximum building height of 80 feet, a schedule of Public Benefit points, and the general massing of the building. Additionally, the Sketch Plan approval identified a number of issues that would require further coordination as part of the Subject Preliminary, Site, and Forest Conservation Plans. The issues identified included:

- Refinement of building massing, design, and architecture, as specified in Sketch Plan Condition 4
- Need for a Transportation Study in accordance with Local Area Transportation Review Guidelines
- Unbundling of residential parking and substantial reduction in parking
- Traffic calming along Woodland Drive
- Planting of a variety of native plants that provide habitat and food sources for wildlife
- Unit mix provided and an increase in 3-bedroom units
- Design of north through-block connection open space to be safe, comfortable, and well-lit
- Evaluation of the possible saving and relocation of cherry trees on Forest Glen Road frontage

Site Plan Finding 2.a. on page 64 describes how each of these issues have been addressed by the Subject Preliminary, Site, and Forest Conservation Plans.

## PROPOSAL

The proposed development is a mixed-use project of up to 425,000 square feet, with 420,000 square feet of residential development (up to 390 units), including 15% MPDUs, and 5,000 square feet of commercial development. The development includes above-ground structured parking containing 457 parking spaces incorporated into the proposed building, as well as an interior courtyard. A through-block connection, linking the existing neighborhood to the east with Georgia Avenue to the west, is proposed to be built at the north of the project. Additional public open space is located on the Forest Glen Road frontage, including a half-acre civic green accommodating a planned entrance to the Forest Glen Metro Station. Vehicular access to the structured parking is from Woodland Drive and Georgia Avenue. The 5,000 square feet of commercial space is located at the southwest corner of the building adjacent to the corner of Georgia Avenue and Forest Glen Road, near the future location of the Forest Glen Metro Station entrance. The main lobby entrance is on the Georgia Avenue frontage. The development includes frontage improvements on Woodland Drive, Forest Glen Road, and Georgia Avenue, as well as stormwater management facilities for Georgia Avenue.

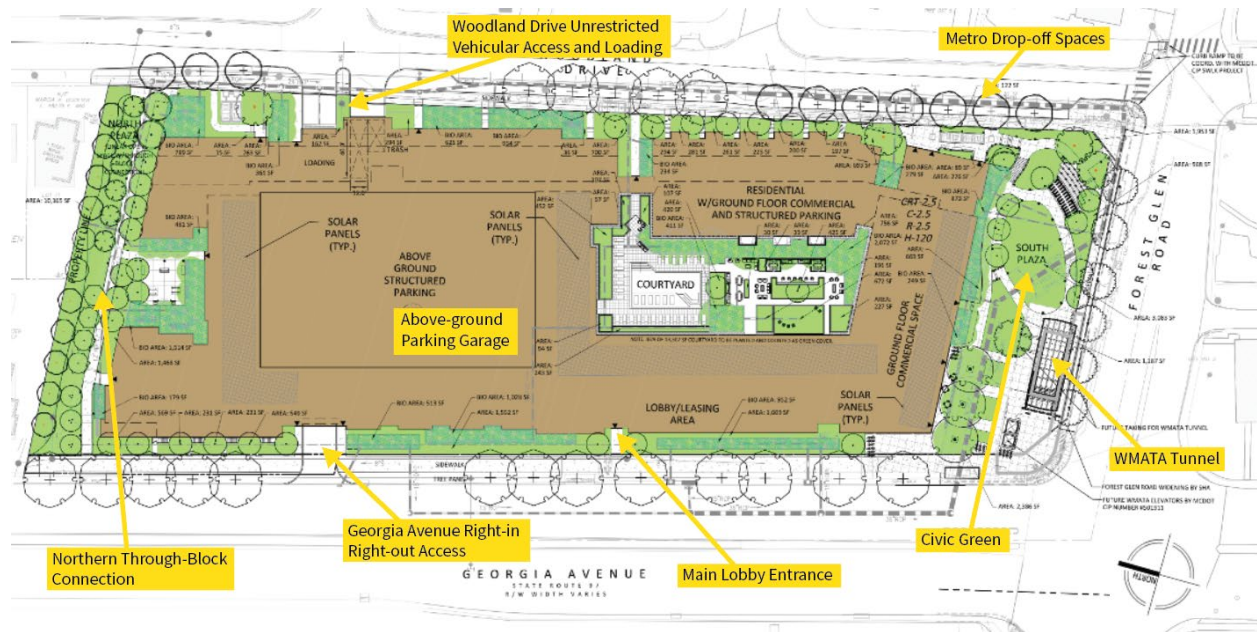


Figure 4: Site Plan



Figure 5: Composite Aerial with Context

## URBAN DESIGN

This development will transform an underutilized parcel with an excessive surface parking lot into a cornerstone development at the intersection of Georgia Avenue and Forest Glen Road near the Forest Glen Metro Station. It will also deliver mixed housing opportunities and much needed gathering spaces for the larger community at the future Metro entrance.

The intersection of Georgia Avenue and Forest Glen Road is the first major intersection one encounters when traveling north on Georgia Avenue from I-495 or traveling to and from the Forest Glen Metro Station to the west. The proposed development will anchor this corner with significant architecture and a welcoming public space.

The development consists of a single building that steps down in height from six stories along Georgia Avenue to three stories along Woodland Drive. The Project includes 390 multifamily dwelling units, structured parking wrapped with the residential building and hidden from the public realm, two



public open spaces, private amenities for future residents, and approximately 5,000 square feet of commercial space at the corner of Georgia Avenue and Forest Glen Road.

The loading and service area for the development will be located internal to the building, with vehicular access off Woodland Drive adjacent to the vehicular entrance.

The main pedestrian entrance for the multifamily residential component of the building will be located along Georgia Avenue, and the commercial spaces will be accessed via the plaza located along Forest Glen Road. The Woodland Drive and Georgia Avenue frontages will also feature several individual residential entrances to activate the streetscape.

### BUILDING ARCHITECTURE AND DESIGN

The building's architecture features a 360-degree facade, emphasizing the importance of all sides of the building and eliminating the concept of "back" or "service" facades. Each facade has been thoughtfully articulated to harmonize with the immediate surroundings and address the significant grade difference between Georgia Avenue and Woodland Drive.



*Figure 6: View looking North from Forest Glen Road*

The facade facing Forest Glen Road fronts onto a new public urban plaza and planned Metro entrance. This facade has a more commercial ambiance at the ground level, with retail spaces anchoring the corner of Georgia Avenue and Forest Glen Road at the ground floor.

As the building turns along Georgia Avenue, the ground floor treatment signifies the public functions of the building, such as the lobby, leasing areas, and amenities. This transparent design engages pedestrians with the architecture and the interior courtyard.

The facade along Georgia Avenue is divided into various sections, employing horizontal and vertical articulation and a variety of elements that introduce a range of scales and rhythms. This approach

creates visual interest and adds variety to the building's appearance. Using individual stoops and residential entrances towards the north end of the façade adds a pedestrian and residential scale and activates this portion of the streetscape.



*Figure 7: Façade looking South from Through-Block Connection*

Along the north end of the Property, a mid-block connection is provided, featuring a linear park. An open courtyard in this location also creates a significant break in the building façade. Viewed from the north, the building also steps down significantly on the east and west sides. These elements break up the massing of the building, offering relief and enhancing the overall composition.

Along Woodland Drive, where the building confronts a single-family neighborhood, the design adopts a townhome-style facade, limited to three stories. This design approach fosters a comfortable pedestrian experience while respecting the residential character of the street. Above the third story, the building sets back, creating an intriguing massing expression that reveals layers and adds visual interest to the building's ends.

Throughout each of the façades, careful consideration has been given to the selection of materials chosen to achieve a contextual building that seamlessly integrates into the neighborhood and contributes to the overall fabric of the area.

## OPEN SPACE

### Civic Green

A primary feature of the Project will be the Civic Green located along Forest Glen Road. This space will have a functional area of one half-acre. This area is envisioned to become a public gathering space where commuters and residents of the adjacent community can interact and socialize.

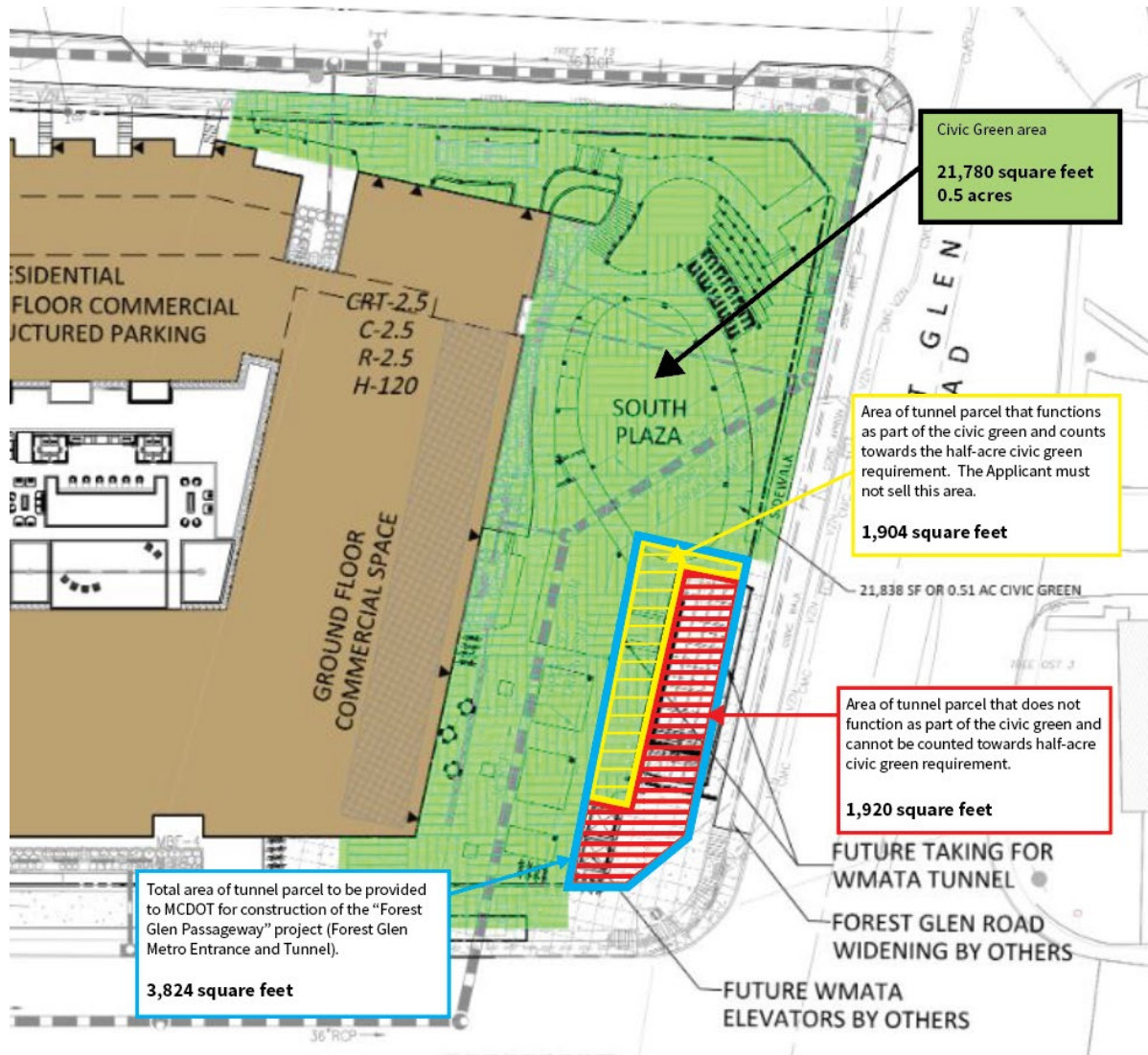


Figure 8: Civic Green and Tunnel Parcel (Illustrative)

Part of the half-acre functional space of the Civic Green will exist as part of the tunnel parcel. Planning Staff's position throughout the review of the project has been that land that is sold by the Applicant cannot count towards their Civic Green requirements, as it is akin to "double-counting". The area of the Civic Green, excluding the tunnel parcel, is roughly 0.46 acres. The tunnel parcel area is a total of 3,824 square feet, and 1,904 square feet of this tunnel parcel area is considered part of the functional

area of the Civic Green. This functional Civic Green space within the tunnel parcel (highlighted in yellow in Figure 8) includes hardscape and circulation areas around the planned metro entrance, but does not include the escalators, elevators, or other features of the tunnel that do not function as part of the Civic Green. Per Site Plan Condition 3.b, the Applicant may not receive credit for this space (1,904 square feet) towards the half-acre civic green requirement if that land is conveyed for consideration to MCDOT. With this portion of the tunnel parcel added to the 0.46 acres of Civic Green located on the Subject Property, the Subject Application complies with Sketch Plan Condition 5 and the Sector Plan by providing a Civic Green with a functional space of one-half acre.



*Figure 9: Civic Green looking north from Intersection of Woodland Drive and Forest Glen Road*

The design for this open space creates a series of stepped terraces, with each terrace having a slightly different character, although each will have full access to the surrounding streetscapes. The westernmost terrace is comprised of a hardscape plaza at the intersection of Georgia Avenue and Forest Glen Road. This is intended to act as a gathering space around the planned Metro entrance and will also provide space for outdoor seating adjacent to the proposed commercial space within the building. This space will also contain landscaped plant beds and fixed and moveable seating.

The central lawn terrace is intended to be used both for periodic community gatherings and everyday use by the community and building residents. The space will be wrapped in landscaping on its northern edge adjoining the building with terraced sculptural seating that could be used for periodic gatherings and performances on the grass lawn.

The easternmost portion of the plaza comprises a terraced area that will serve as the gateway to the open space from the Forest Glen streetscape and a stepped seating area that culminates at the central lawn with a shade structure.

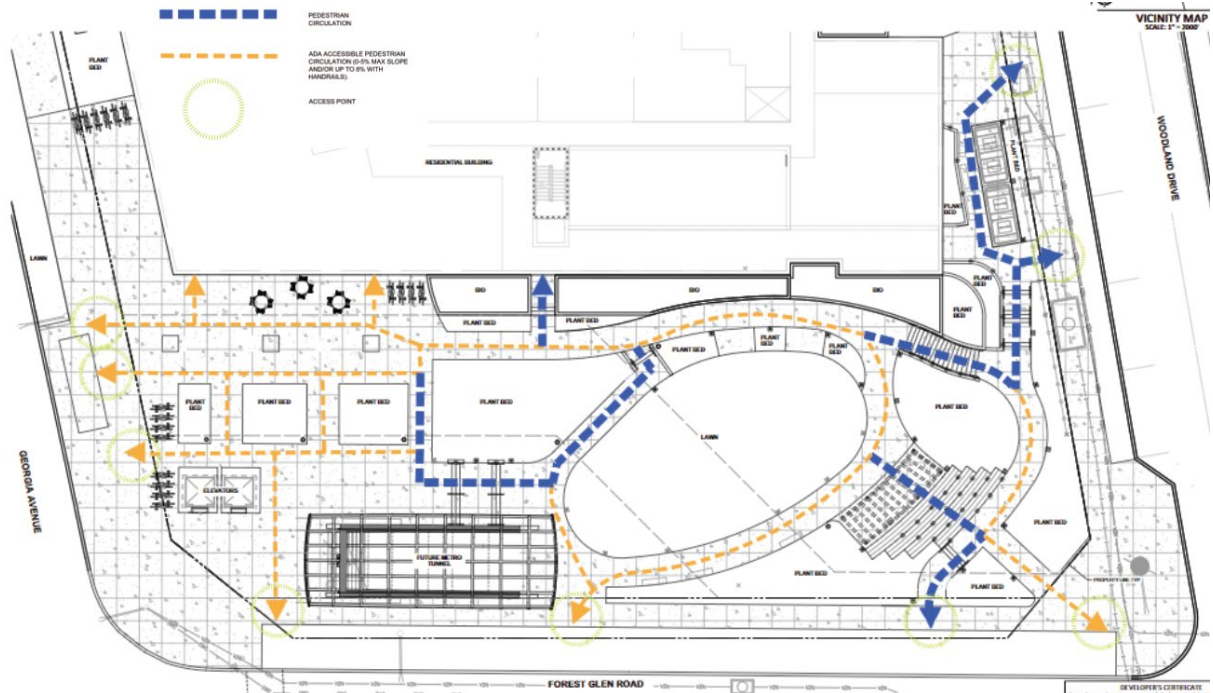


Figure 10: Civic Green Circulation Plan

### Northern Through-block Connection

The development also features a northern open space that creates a direct and safe connection between Woodland Drive and Georgia Avenue. This linear open space is aesthetically pleasing, with landscaped areas immediately adjoining the residential building and along the northern property line to buffer the adjoining properties and create a defined edge to the through-block connection. As safety is paramount, the trail connection is surrounded by lawn and lower plantings to ensure clear sight lines through the space, and additional lighting has been added immediately along the trail. The trail connection is also located close to the residential building and adjoining courtyard to put more “eyes” onto and through the space. This trail is publicly accessible and invites people into the space with two well-designed trailheads on both ends.

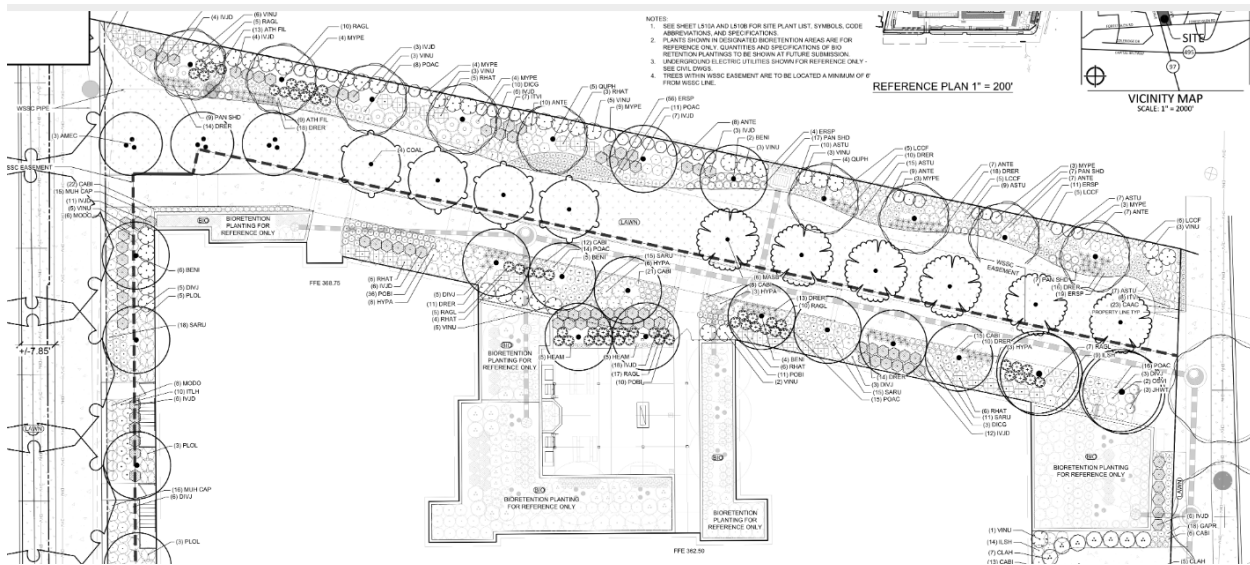


Figure 11: Northern Through-Block Connection Landscape Plan

## TRANSPORTATION

### Vehicular Circulation

Vehicular access to the Property is proposed via two adjacent roadways. A right-in/right-out access is located on northbound Georgia Avenue (MD 97) on the western boundary of the Subject Property. In addition, a full-movement access aligned with Sherwood Avenue will be provided on Woodland Drive. A loading access will be located adjacent to this driveway entrance. The existing driveway access on Forest Glen Road will be eliminated, which will help remove a conflict point between pedestrians, bicyclists, and automobiles on a highly trafficked multimodal corridor.

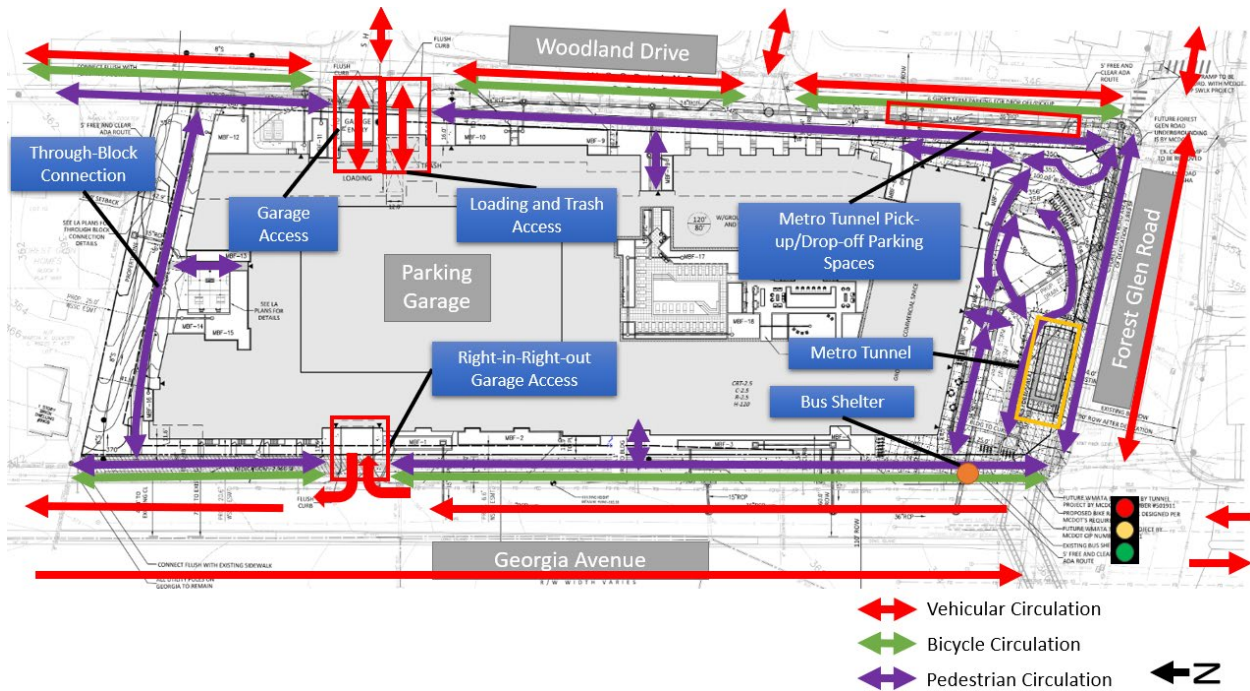


Figure 12: Vehicular and Nonmotorized Circulation

Per condition 14 of Sketch Plan No. 320230020, the Applicant completed an operational traffic study to evaluate if a single access on Georgia Avenue (MD 97) could safely and efficiently accommodate expected development traffic, thereby eliminating the need for the Woodland Drive access. The results of the analysis found that a single access resulted in additional queuing along northbound Georgia Avenue (MD 97) and required a large portion of the project generated trips to perform challenging weaving and U-turn maneuvers to access I-495 and points south. Therefore, the access point on Woodland Drive was recommended in addition to the access on Georgia Avenue (MD 97). This operations analysis was reviewed by M-NCPPC staff as well as by MCDOT and MDOT SHA. Both the MCDOT letter dated February 23, 2024, and the MDOT SHA letter dated January 29, 2024, concur with the analysis findings and the need for a Woodland Drive access in addition to the Georgia Avenue (MD 97) access.

It should be noted that to satisfy the Local Area Transportation Review (LATR) Guidelines, the Applicant will construct a new traffic signal at the intersection of Georgia Avenue (MD 97) and Bonnywood Lane/Tilton Drive. This new signal will not only address a noted pedestrian crossing deficiency, improving safety, but will also help address vehicular circulation issues in the surrounding area. The traffic signal will provide an alternative route for vehicles to access Georgia Avenue to travel southbound. This will help alleviate congestion at the Forest Glen Road/Woodland Drive intersection, benefiting both site-related traffic and existing neighborhood traffic.

Figure 13 provides an overview of the assumed trip distribution used in the traffic analysis per the LATR Guidelines to demonstrate where trips from the Site are going to/coming from. As shown, the majority (70%) go to/come from the south.

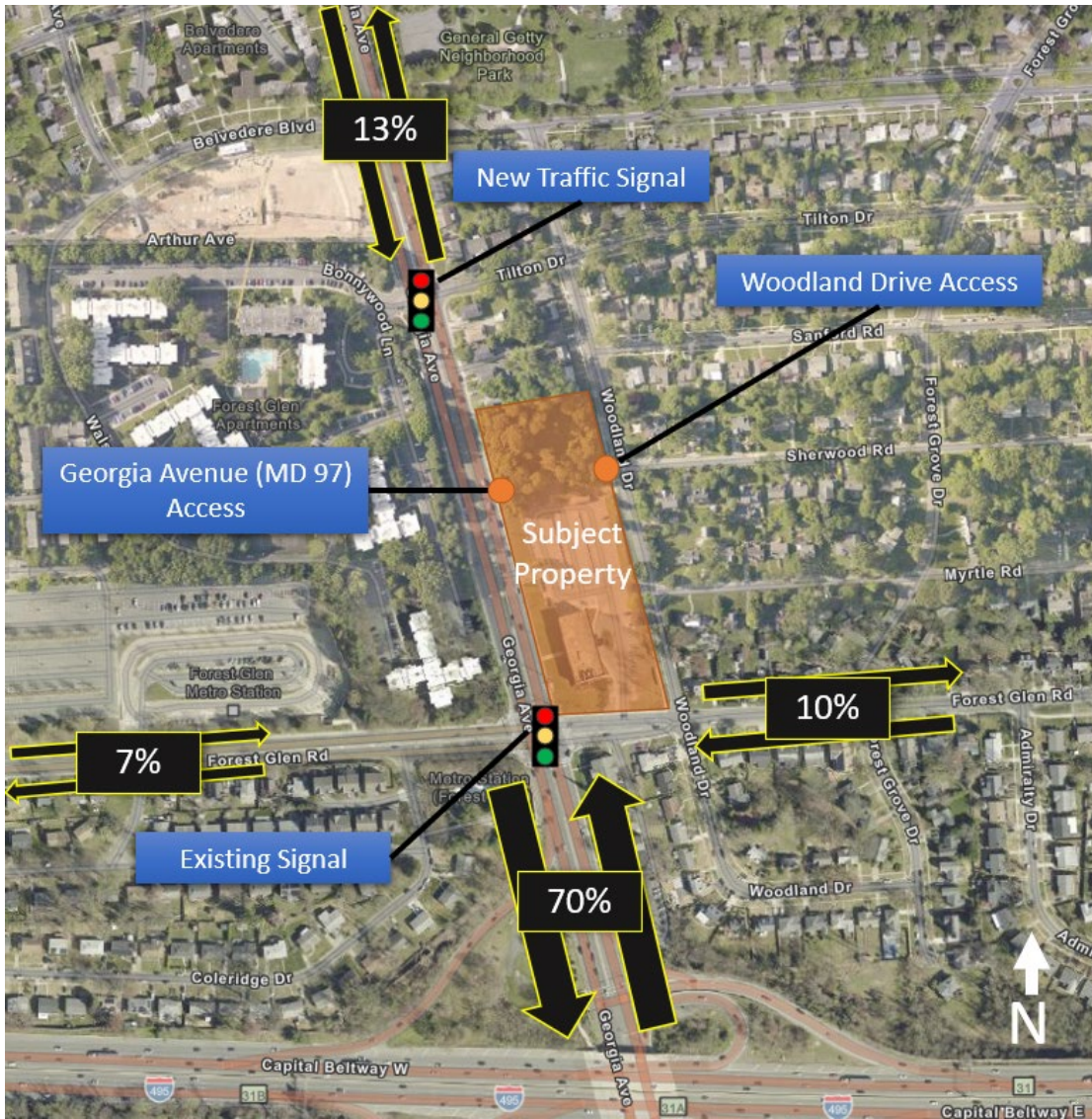


Figure 13: Project Trip Distribution and New Traffic Signal Location

Internal site vehicular circulation will be confined to the seven-level parking garage via internal ramping. Due to the change in grade between Woodland Drive and Georgia Avenue (MD 97) the access on Woodland Drive is located on the first level of the development and the access on Georgia Avenue (MD 97) is located on the second level, so there is no direct connection between the two access points.



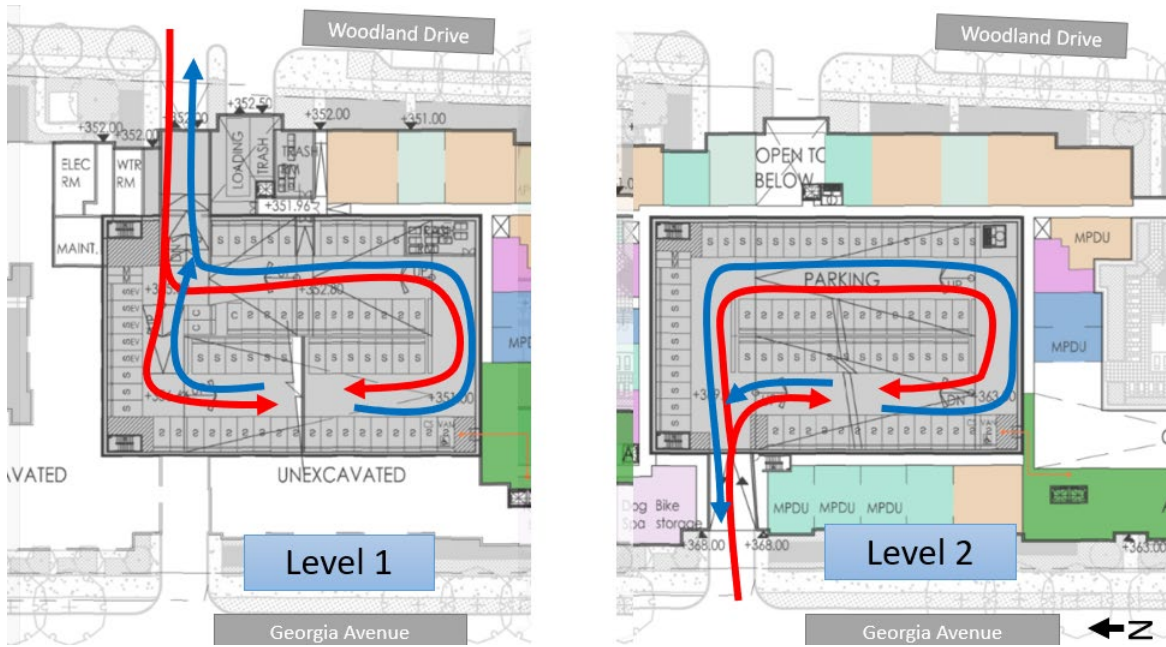


Figure 14: Internal Parking Circulation to Access Points (Level 1 and Level 2)

### Nonmotorized Circulation

Pedestrian access to the Property is proposed directly from improved sidewalks along Georgia Avenue (MD 97), Forest Glen Road, and Woodland Drive. An 11-foot-wide sidepath will be provided along Georgia Avenue, buffered from the travel lanes with an 8-foot-wide street buffer.

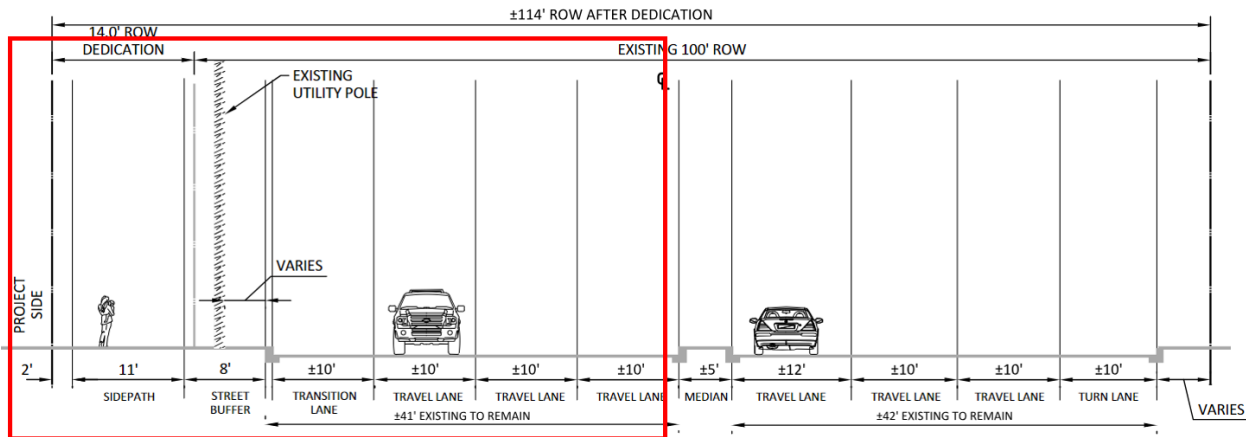
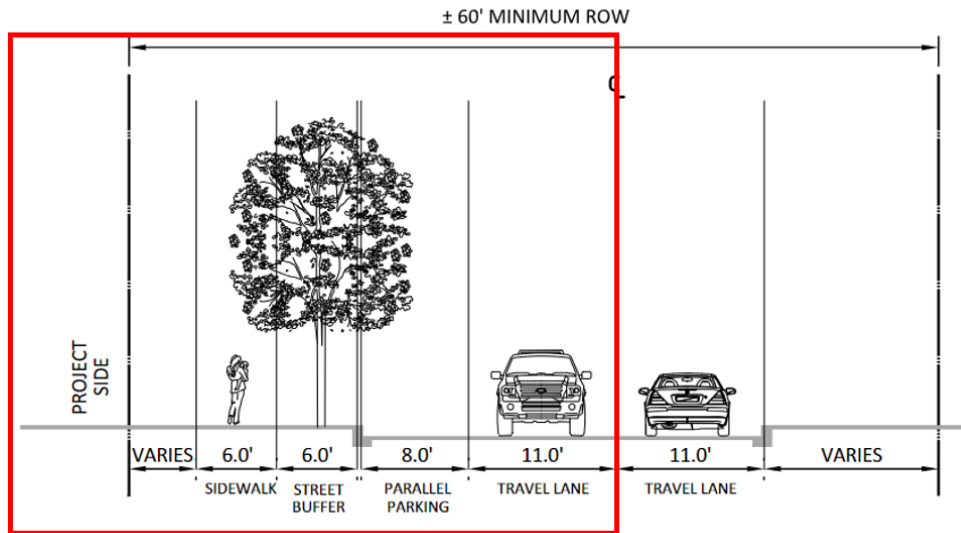


Figure 15: Georgia Avenue (MD 97) Cross-section (Property Frontage in Red)

A 6-foot-wide sidewalk with a 6-foot-wide street buffer will be provided along the Woodland Drive frontage. In addition, an 8-foot-wide on-street parking area will be constructed. The southern 6 on-

street parking stalls will be reserved for short-term Metrorail pick-up/drop-off use, fulfilling Sketch Plan Condition 7 to provide a “designated pick-up/drop-off area for the Forest Glen Metrorail Station”.



*Figure 16: Woodland Drive Cross-section (Property Frontage in Red)*

The Forest Glen Passageway CIP project (P501911) is an anticipated future tunnel providing access to the Forest Glen Metro Station under Georgia Avenue (MD 97). The project will use the southern portion of the site, including the Forest Glen Road frontage for construction staging. Additionally, as part of MDOT SHA’s MD 97 Safety and Accessibility Project, a westbound dedicated right-turn lane will be added to the roadway. The Applicant will be responsible for the improvements along the Forest Glen Road frontage, unless MCDOT accepts responsibility for them as part of the “Forest Glen Passageway” project. In the ultimate condition, the frontage will include a 7-foot-wide sidewalk and 5-foot street buffer. If the sidewalk is constructed before the MDOT SHA widening project, the sidewalk will be placed at the ultimate location and a larger street buffer will be provided in the interim.

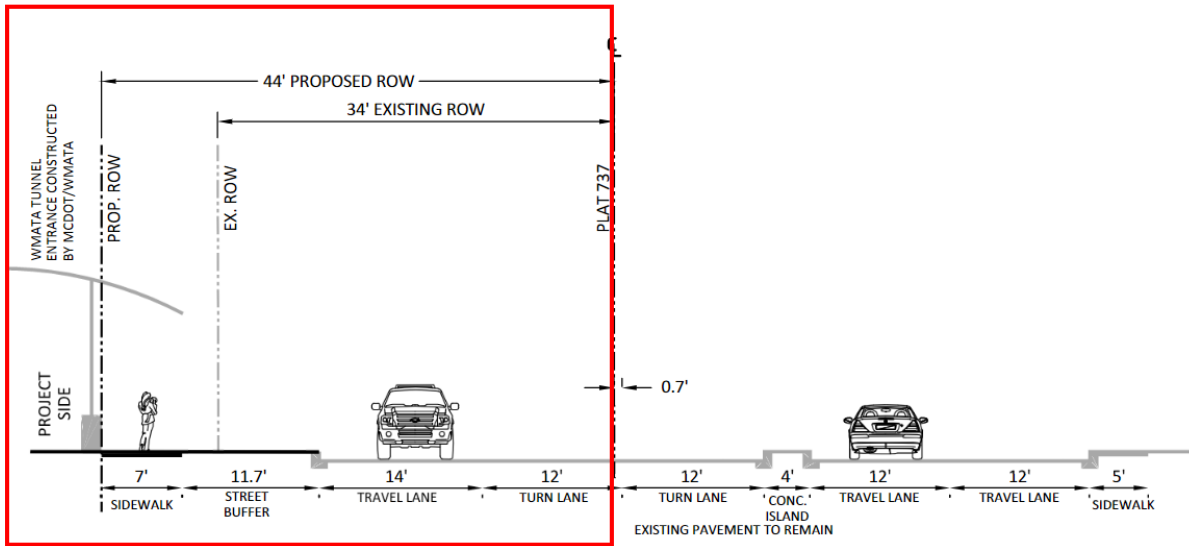


Figure 17: Forest Glen Road Interim Cross-section (Property Frontage in Red)

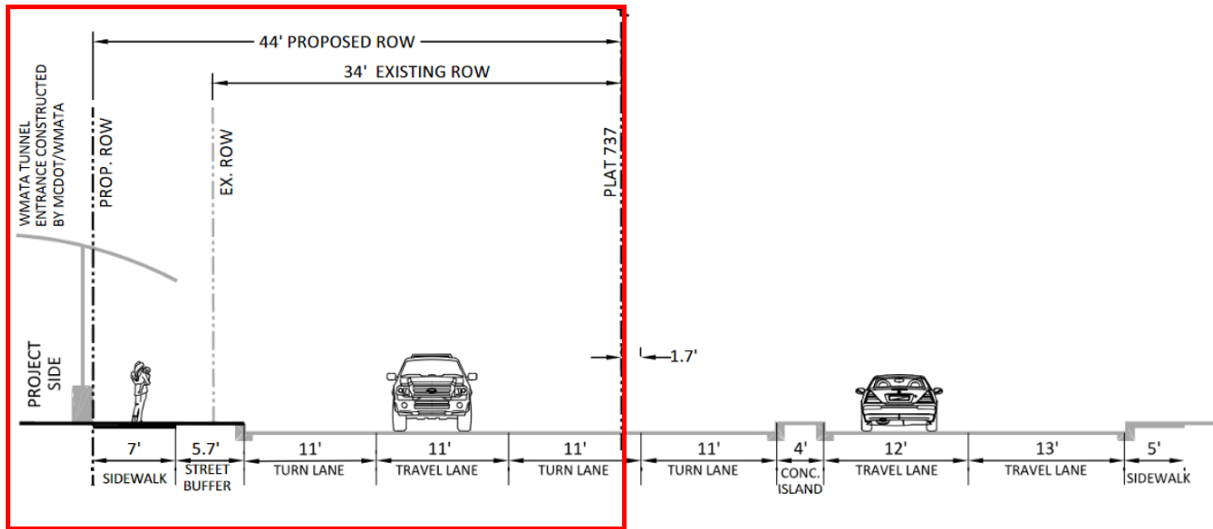


Figure 18: Forest Glen Road Ultimate Cross-section (Property Frontage in Red)

In addition to the frontage improvements, a new through-block public pedestrian connection will provide east/west connectivity along the northern edge of the property. This through-block connection includes an 8-foot-wide sidewalk that connects Woodland Drive to the east with Georgia Avenue (MD 97) to the west.

## Transit Access

The Subject Property is well-served by transit. The Forest Glen Metrorail Station is located on the opposite side of Georgia Avenue (MD 97), providing access to the Red Line. The Forest Glen Passageway CIP project (P501911) will eliminate the need for at-grade pedestrian crossings to access the station by providing a tunnel from the northeast corner to the southwest corner of the Georgia Avenue (MD 97) and Forest Glen Road intersection, providing a direct connection to the Forest Glen Metro Station. This project is currently funded in the CIP with an anticipated completion year of 2028. However, the Recommended FY25-30 CIP released by the County Executive shifts the completion date to 2030. This project will dramatically improve transit access for the Subject Property and the surrounding neighborhood.



Figure 19: Area Transit Infrastructure (Existing and Planned)

The site will also improve vehicular access to the Metrorail station by providing six dedicated on-street pick-up/drop-off spaces along Woodland Drive.

Additionally, the existing bus shelter located at the southwest corner of the site will remain, providing access to the following WMATA bus routes:

- Route Q2 provides service between the Silver Spring Metro Station and Shady Grove Metro Station.
- Route Q4 provides service between the Silver Spring Metro Station and Rockville Metro Station.
- Route Y2 provides service between the Silver Spring Metro Station and Montgomery General Hospital and Prince Philip Drive.
- Route Y7 provides service between the Silver Spring Metro Station and the Georgia Avenue ICC Park and Ride Lot.
- Route Y8 provides service between the Silver Spring Metro Station and Montgomery General Hospital and Prince Philip Drive.

## ENVIRONMENT

The Final Forest Conservation Plan requires the provision of 1.20 acres of planting requirements within the Sligo Creek watershed or a Priority Area, or 1.41 acres of planting requirements outside of the Sligo Creek watershed or Priority Area. The Applicant has received 0.09 acres of canopy credit for landscape trees planted on-site. Therefore, if using a forest bank within the Sligo Creek watershed or Priority Area to satisfy the requirement, a total of 1.11 acres of mitigation credit will be required. As conditioned, the off-site requirement may be met by purchasing 1.32 acres of mitigation 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 Sligo Creek watershed or Priority Area or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank. Please see the analysis in the Forest Conservation Findings section beginning on page 79 of this Staff Report for an expanded explanation of the Forest Conservation Plan.

## SECTION 5: COMMUNITY OUTREACH

### NOTICING AND PRE-SUBMITTAL MEETINGS

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting was held on July 11, 2023 related to the Preliminary, Site, and Forest Conservation Plans. There were fifty (50) listed attendees of the meeting, which was held at the Montgomery Hills Baptist Church, 9727 Georgia Avenue, across Forest Glen Road from the Subject Property. Following the July 11 pre-submittal community meeting, a number of community members reported that the doors to the meeting became locked at some point after the meeting had begun. To rectify this situation, the Applicant held a second, supplemental community meeting on October 10, 2023. This meeting was held virtually via Zoom, and approximately 20 community members were in attendance. For each of the two pre-submittal meetings that were held, the affidavit of meeting and meeting minutes are provided as Attachment H.

### COMMUNITY TESTIMONY

Through the extensive community engagement around this project, the community made their primary issues clear: 1) opposition to the inclusion of a Woodland Drive vehicular access point; 2) concerns about the quantity of parking proposed; 3) concerns about the scale and compatibility of the building design; and 4) concerns about the loss of forest on-site.

Staff received a substantial number of letters of correspondence throughout the review of the Project. As early as late August and early September 2023, Planning Staff began to receive written testimony from members of the community to the east of the proposed development. For every piece of written testimony received, Planning Staff forwarded the comments to the relevant Planning and other agency reviewers to be considered during the review for the project. Staff also received testimony and correspondence about this project as part of the Development Review Process Workgroup that took place between June 9, 2023 and September 27, 2023.

In addition to written testimony, the community also conducted a traffic experiment, that showed the extent to which Woodland Drive backs up during the morning peak hour due to the difficulty of turning right onto Forest Glen Road from Woodland Drive. The community has also submitted a petition opposing the inclusion of a vehicular access point on Woodland Drive, which at the time of posting for this Staff Report has received 317 signatures.

The community also fundraised for and commissioned a traffic study from traffic engineer Joe Mehra. This traffic study, as well as a response document in which Planning Staff, MCDOT, and MDOT SHA have provided comments, is included as Attachment I.

A comprehensive collection of all community correspondence received is provided as Attachment G to this Staff Report.

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## MEETINGS WITH THE COMMUNITY

In addition to the Applicant's required public meetings, Planning Staff met with the community at their request.

On November 17, 2023, Planning Staff met virtually with members of the Friends of Sligo Creek. Planning Staff answered questions about the environmental component of the proposed development, the project process and schedule, and the logistics of submitting testimony to the Planning Board.

Planning Staff attended the Forest Grove Community Association's meeting at Sligo Middle School on January 30, 2024 to discuss the project. Discussion included an explanation of the process, the project schedule, and the logistics of submitting testimony regarding the Project. Staff also listened to and answered questions about the community's concerns, including traffic, site access, parking, and building compatibility.

Staff also met with community members and elected officials on February 12, 2024. The meeting began with a presentation from the community held at the home of a community member. The presentation discussed the current status of the project, the results of the independent traffic study commissioned by the community, the results of the traffic experiment conducted by community members, and the general transportation issues the community has with the project as proposed. The presentation was followed by discussion during a brief walk around parts of the Subject Property.

As part of the January 30 meeting with the community, community members requested a meeting with Planning Staff as well as MCDOT and MDOT SHA, to allow the community to ask questions about the traffic study and the review of the study conducted by Planning Staff, MCDOT, and MDOT SHA. This meeting was held virtually on February 14, and was attended by Planning Staff, MCDOT, MDOT SHA, and multiple community members. The meeting began with a presentation about the findings of the community's independent traffic study, footage of the community's traffic experiment, and the issues and questions that the community has regarding the traffic study submitted as part of the Subject Applications. Following the presentation, the meeting had a question-and-answer session for about an hour and fifteen minutes, with community members asking traffic study and transportation-related questions and public agency staff providing answers.

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## COMMUNITY CONCERNS

Through various means of engagement summarized above, the community made their primary concerns clear: 1) opposition to the inclusion of a Woodland Drive vehicular access point; 2) concerns about the quantity of parking proposed; 3) concerns about the scale and compatibility of the building design; and 4) concerns about the loss of forest on-site.

## WOODLAND DRIVE VEHICULAR ACCESS

One of the community's primary issues is opposition to the inclusion of a Woodland Drive access point as part of the proposed development. The community has concerns that this access point will increase congestion on Woodland Drive and throughout the neighborhood, particularly during the morning peak hour. During rush hour, the intersection of Georgia Avenue and Forest Glen Road becomes congested, with vehicles queueing on Forest Glen Road due to drivers trying to turn left onto Georgia Avenue in order to move southbound towards Interstate-495, which is 800 feet south of this intersection. The congestion and queueing on Forest Glen Road make it difficult for drivers to turn right onto Forest Glen Road from Woodland Drive. The concern from the community is that the difficulty of this turn will lead drivers from the proposed development to use the residential streets of Myrtle Road, Sherwood Road, and Sanford Road to drive further east before attempting to make an easier right onto Forest Glen Road from either Forest Grove Drive or Dameron Drive to the east, or to make a left on Forest Glen Road to continue east towards Sligo Creek Parkway.

The community has expressed concern for the safety impacts to pedestrians and bicyclists on neighborhood streets that would result from increased vehicular traffic volume in this pattern, particularly on Myrtle Road and Sherwood Road which are not improved with any sidewalks or pedestrian facilities (Sanford Road has sidewalks on both sides of the street). Myrtle Drive and Sherwood Road are both two-way streets with approximately 20 to 21 feet of paving width, and cars are allowed to park unrestricted on both sides of each street. As such, the streets are narrow and not well-suited to large volumes of traffic, and the narrowness of the streets reduces vehicle speeding.



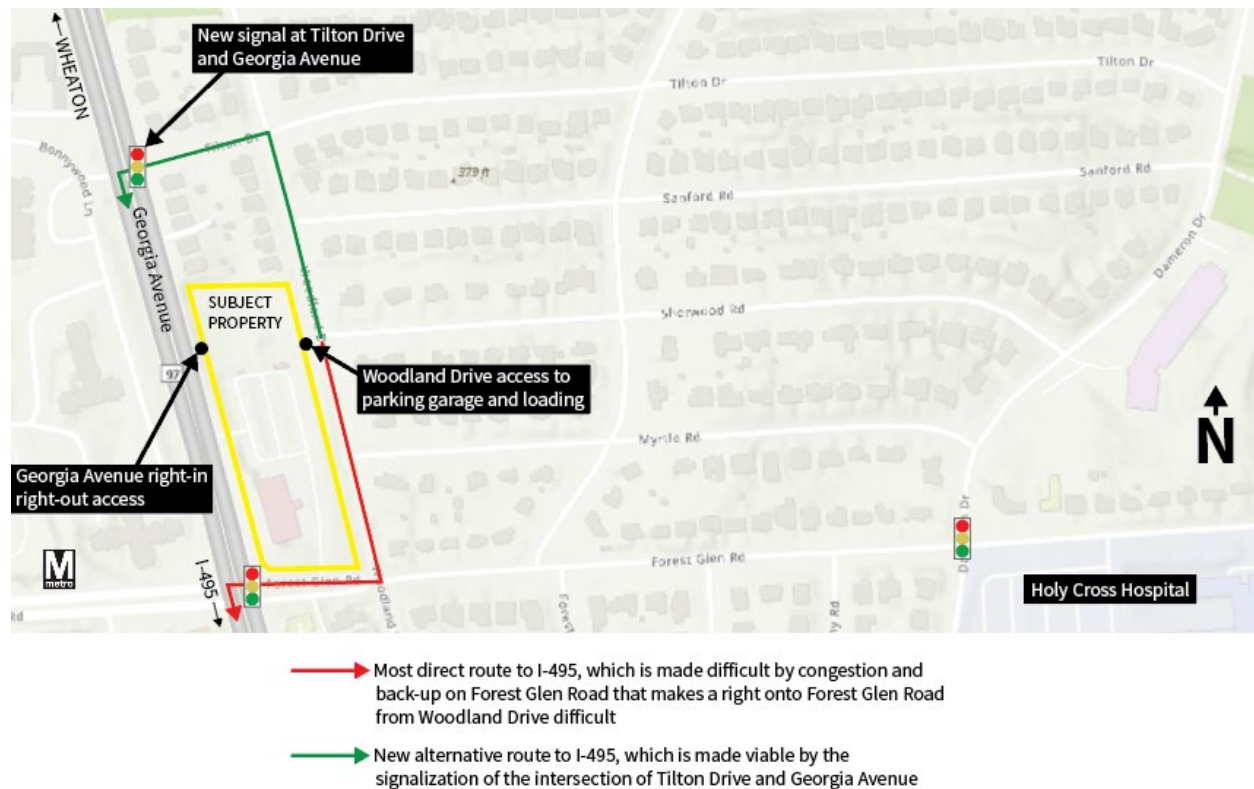


Figure 20: Neighborhood Traffic Diagram

Planning Staff and county agencies have heard these concerns from the community, both as part of this plan and as part of the Planning Board’s public hearing on Sketch Plan No. 320230020. As a result of the community’s concern, the Applicant was required to complete additional traffic analysis that would have otherwise not been required of the Project due to its location within a Red Policy area, as defined by the Growth and Infrastructure Policy. As the lead agency on site access, the Montgomery County Department of Transportation (MCDOT) determined that a Woodland Drive access point is required to provide safe and adequate access to the site. Limiting access to only Georgia Avenue would require a high volume of drivers to turn right onto Georgia Avenue and weave into the left lane to execute a U-turn at Tilton Drive to move southbound towards Interstate-495.

As part of the Applicant’s site access requirements, MCDOT is requiring that the Applicant fund the signalization of the intersection of Georgia Avenue and Tilton Drive. This new traffic signal will provide a viable routing alternative to those attempting to move south on Georgia Avenue that avoids the congestion of Forest Glen Road altogether (shown in green in Figure 20). As it exists today, turning left onto southbound Georgia Avenue from Tilton Drive is difficult and non-viable based on the lack of a signal. With the addition of a signal at this location, users of the proposed development would be able to move north on Woodland Drive, then turn left on Tilton Drive and left on Georgia Avenue at the new signal. The congestion that exists on Forest Glen Road is what makes the right-turn onto Forest Glen Road from Woodland Drive difficult, and it is the difficulty of this turn that may lead drivers to use

Myrtle Road or Sherwood Road in order to make an easier right onto Forest Glen Road further east. This new route made viable by the signalization of Tilton Drive allows drivers to navigate to Georgia Avenue southbound while avoiding the congestion of Forest Glen Road altogether. This will alleviate the volume of traffic trying to make a right onto Forest Glen Road at Woodland Drive, as well as the volume of traffic using Sherwood Road and Myrtle Road to navigate east to make an easier right onto Forest Glen Road.

#### QUANTITY OF PARKING PROVIDED

Closely linked with the issue of a Woodland Drive access point is concern about the quantity of parking provided with the proposed development. Community testimony asserted that the quantity of parking proposed does not sufficiently encourage use of the adjacent Forest Glen Metro Station, and that the quantity of cars proposed instead would exacerbate local traffic issues as described in the section above. This concern was also raised as part of the Sketch Plan, and Sketch Plan Condition 12.b stated that “The Applicant should unbundle residential parking and substantially reduce parking accordingly to encourage transit use.” The Applicant has met this condition by unbundling residential parking as conditioned and reducing the number of parking spaces proposed from the time of the Sketch Plan. The Sketch Plan proposed 540 parking spaces to serve 415 dwelling units (ratio of 1.30 spaces per unit), and the Subject Applications propose 466 parking spaces to serve 390 dwelling units (1.19 spaces per unit). Parking provided with the project is compliant with the Zoning Ordinance because it is within the minimum and maximum range for a project in a reduced parking area.

#### SCALE AND COMPATIBILITY OF BUILDING DESIGN

The community has concerns with the scale of development proposed and its compatibility with the adjacent neighborhood to the east. This was also a concern raised as part of the Sketch Plan, and in response the Applicant has decreased both the number of dwelling units and the number of parking spaces being proposed. The approved Sketch Plan included 455,000 square feet of residential uses, or up to 415 dwelling units. These figures have been reduced with the Subject Application to 420,000 square feet, or up to 390 dwelling units. The proposed development will also have a maximum height of 80 feet. It is worth noting that as part of the 2020 *Forest Glen/Montgomery Hills Sector Plan*, the Subject Property was rezoned from R-60 to its current CRT-2.5, C-2.5, R-2.5, H-120' zone. The proposed development is in fact shorter and less dense than the maximum allowed in the zone.

Condition 4 of the Sketch Plan required that the Applicant make specific design changes to improve the compatibility of the proposed building with the adjacent neighborhood to the east from an urban design perspective. Condition 4 of Sketch Plan 320230020 states in part, “At a minimum, the proposed Woodland Drive building façade must be revised to ensure compatibility with the residential neighborhood.” Specifically, the condition reads as follows:

- “4. Before submittal of the Site Plan, the Applicant must revise the Project’s architectural design to mitigate the proposed 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 proposed Woodland Drive building façade must be revised to ensure compatibility with the residential neighborhood. Design elements should consider the following:
    - 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. Set 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 proposed Georgia Avenue building façade must be revised at the time of Site Plan 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. Set 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.”

Over the course of the review of the Project, Planning Staff worked with the Applicant to address the itemized list of design revisions that were part of Sketch Plan Condition 4. This coordination with the Applicant resulted in an improved building design. A more detailed description of the design elements of the projects can be found in the Urban Design section of this Staff Report on pages 23 through 29, and the ways in which the Project addresses all parts of Sketch Plan Condition 4 are summarized below in the series of annotated renderings, Figures 21 through 27.

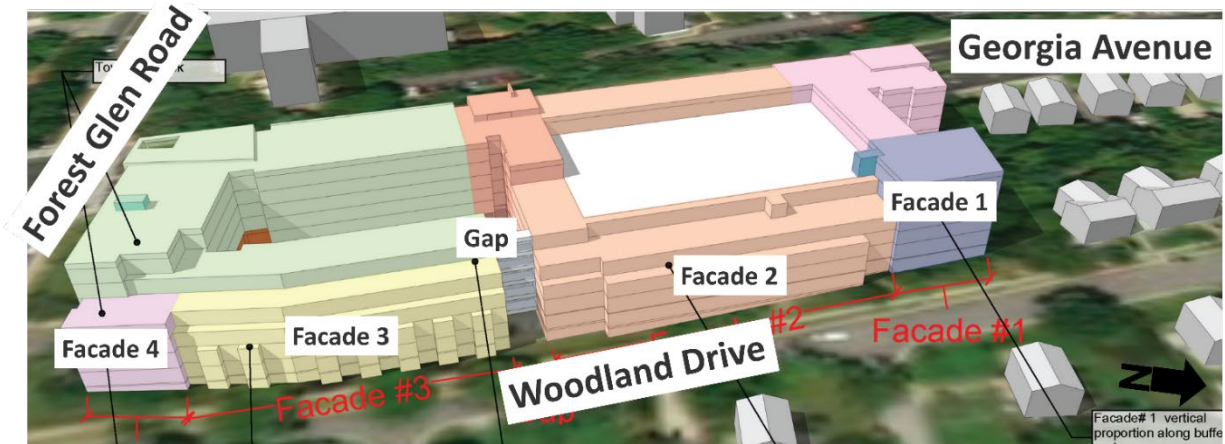


Figure 21: Sketch Plan Diagram of Woodland Drive Façades to be Revised



Figure 22: Annotated Rendering of Project looking West at the Southern Woodland Drive Frontage



Figure 23: Annotated Rendering of Project looking West at the Northern Woodland Drive Frontage



Figure 24: Annotated Renderings showing Northeast Corner and 12-foot Setback above 35 feet



Figure 25: Sketch Plan Diagram of Georgia Avenue Façades to be Revised



Figure 26: Annotated Georgia Avenue Façade Rendering



Figure 27: Rendering of Project from Georgia Avenue looking East at North Façade

## LOSS OF FOREST

The Property has 0.43 acres of existing forest on-site and approximately 0.2 acres of tree cover located on the north side of the Property. The Applicant is proposing to clear this vegetated area and relocate a sewer line to this location. Small patches of forest are valuable for the wildlife habitat and food sources they provide, as well as the stormwater absorption and recharge and reduction in urban heat island effect. However, the existing forest on the Property is heavily impacted by non-native plants and is not a healthy, regenerative ecosystem. Much of the visible “green” in the forest is created by non-native euonymus species growing on the trees. (Figures 28-31)

The Sector Plan has a specific recommendation about the forest and vegetated area.

“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. 74)



*Figure 28: Tree Cover*



*Figure 29: Invasives Plant Coverage*



*Figure 30: Existing natural area looking east*





*Figure 31: Existing natural area looking north*

The Applicant is proposing to provide 0.46 acres (exclusive of bioretention areas and street trees) of stratified plantings to provide environmental benefits on the Property. These planting areas include native trees, shrubs, perennials, grasses, and groundcover that provide a mix of habitat and food sources. Special attention was paid to the needs of the members of the Lepidoptera order (butterflies and moths), which is an important group due to their roles as pollinators and food source for many other animals. For example, Willow Oak (*Quercus phellos*) is one of the canopy trees and it provides acorns that are an important food source for small mammals, as well as serving as a host plant for Lepidoptera species. Mapleleaf Viburnum (*Viburnum acerifolium*) produces fruit for wildlife and the flowers provide support for pollinators, as well as hosting the larvae for many species of Lepidoptera. The proposed plantings will provide a healthy alternative ecosystem to the existing remnant forest and tree cover that is heavily impacted by invasive species.

## SECTION 6: PRELIMINARY PLAN 120230160 FINDINGS AND ANALYSIS

The Preliminary Plan proposes to create one lot, measuring approximately 164,573 square feet or 3.78 acres of Site area, for a maximum density of up to 425,000 square feet of total development, including 420,000 square feet of residential uses and 5,000 square feet of commercial uses, as well as one parcel of 3,824 square feet to be conveyed to MCDOT. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***
  - a) The block design is appropriate for the development or use contemplated***
  - b) The lot design is appropriate for the development or use contemplated***
  - c) The Preliminary Plan provides for required public sites and adequate open areas***
    - i. Master Planned Sites***
    - ii. Local Recreation***
    - iii. Transportation and Utilities***
  - d) The Lot(s) and Use comply with the basic requirements of Chapter 59***

The Subject Preliminary Plan will consolidate six different lots or parcels into a single lot with a site area of 3.78 acres. The new lot will continue with the existing block design that was established by the previous development of the Forest Glen Medical Center. The size, width, shape, orientation, and density of the new lot are all appropriate given the Property's location and status as a lot proposed for significant mixed-use development. There are no new roadways proposed as part of the Subject Applications. The Applications provide for the necessary dedications that were required by the Sector Plan. The Preliminary Plan will also create one parcel to be conveyed to MCDOT which will be the site of the "Forest Glen Passageway" project providing a new entrance for the Forest Glen Metrorail Station.

Table 1: Project Name Preliminary Plan Data Table for CRT-2.5, C-2.5, R-2.5, H-120' Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	4.93 acres (214,627 sf)
Prior Dedication	n/a	0.96 acres (41,741 sf)
Proposed Dedication	n/a	0.11 acres (4,489 sf)
<b>Tunnel Parcel</b>	n/a	0.09 acres (3,824 sf)
<b>Site Area</b>	n/a	3.78 acres (164,573 sf)
<b>Density</b>		
Total Density	536,567 sf (2.5 FAR)	425,000 sf (2.01 FAR*)
Commercial Density	536,567 sf (2.5 FAR)	5,000 sf (0.02 FAR*)
Residential Density	536,567 sf (2.5 FAR)	420,000 sf (1.99 FAR*) 390 multi-family dwelling units

\*Proposed FAR calculations account for subtraction of the tunnel parcel area from tract area.

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

2020 FOREST GLEN/MONTGOMERY HILLS SECTOR PLAN

The Subject Property is in the 2020 *Forest Glen/Montgomery Hills Sector Plan* area. Due to the Subject Property’s prominent location east of the Forest Glen Metrorail Station at the intersection of Georgia Avenue and Forest Glen Road, the 2020 Sector Plan includes specific recommendations for the site to advance the Plan’s themes of reconnect, reinvest, and reimagine.

Land Use and Zoning

A Sectional Map Amendment to implement 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 Applicant proposes a mixed-use development with 5,000 square feet of ground-floor commercial and 390 multifamily residential units, a floor area ratio of 2.01. The proposed building transitions in height from approximately 80 feet along Georgia Avenue, at its maximum height, 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 proposes wood construction over a concrete podium thereby limiting the height to a maximum of 80 feet, which also dictates the number of units proposed.

Affordable Housing

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.) As conditioned by DHCA in their approval letter dated February 8, 2024, to achieve substantial conformance with the Sector Plan the Applicant will provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs), a minimum of 25 percent of the units as two-bedroom units, and a minimum of 5 percent of the units as three-bedroom units.

### Habitat Preservation and Restoration

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 Applicant proposes a combination of elements to achieve the 35 percent recommendation, including tree canopy cover, lawn areas, biofiltration areas, and a solar array 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. With this Preliminary and Site Plan Application, the Applicant proposes 9,184 square feet of solar array on the roof for energy generation and has committed to orient the building to reduce heating and cooling loads to the extent possible given site constraints. The Applicant also proposes to build additional energy efficient strategies into the design, which may include high-efficient HVAC systems. Final details will be determined through the energy model required at Certified Site Plan.

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. 74)

According to the approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), approximately 0.43 acres of remnant forest exist on the Site. To achieve equivalent environmental benefit, the Applicant proposes stratified vegetation throughout the site, as well as microbioretention planters along the perimeter of the building, some of which are proposed to accommodate the stormwater needs associated with the Maryland Department of Transportation State Highway Administration's Montgomery Hills/MD 97 project. In addition, the Applicant proposes 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.

### 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. The Preliminary Plan and Site Plan applications substantially conform 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 proposal includes a single building that transitions in height from six stories along Georgia Avenue to three and four stories along the Woodland Drive frontage. In addition to locating greater height along the Georgia Avenue frontage, the applicant also proposes to locate the ground-floor retail and building amenities at the southwest corner of the Site, both to embrace this prominent location as well as activate the Civic Green proposed along Forest Glen Road. To ensure compatibility along Woodland Drive, the Applicant proposes both transitions in building height as well as the introduction of building breaks in the façade to create the sense of multiple buildings.

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 proposes a setback between the building face and the curb along Georgia Avenue that ranges from approximately 32 feet to 35 feet, and approximately 98 feet between the building face and the curb along Forest Glen Road to accommodate the plaza and planned Forest Glen Metrorail Station tunnel. Within the setback along Georgia Avenue, the Applicant proposes 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" to provide a safe and efficient pick-up/drop-off area that will deter use of Georgia Avenue and Woodland Drive. The Applicant proposes to accommodate a pick-up/drop-off area along the Woodland Drive frontage of the Subject Property in reserved, on-street parking spaces, rather than on-site. Throughout review of the Subject Applications, it was determined that the combination of an on-site facility internal to the proposed parking garage and associated circulation

would result in inefficiencies and displace other activating ground floor uses. The pick-up/drop-off on Woodland Drive creates a more direct pedestrian route to the future pedestrian tunnel planned for the southwest corner of the Site. A Metro pick-up/drop-off area contained in the proposed parking garage would also be less likely to be used due to the grade change on the site, which would create a circuitous route within the parking garage to access an internal pick-up/drop-off area. The proposed pick-up/drop-off area will also be closer to the Civic Green and Metro Tunnel at its proposed location along Woodland Drive than it would be if located internal to the building. Planning Staff acknowledges the challenges associated with a pick-up/drop-off area on the Subject Property and that the designated pick-up/drop-off area on Woodland Drive achieves substantial conformance with the Sector Plan.

The Sector Plan also recommends reducing parking to the greatest extent possible, including providing shared parking and/or unbundled parking. According to the Zoning Ordinance, the maximum number of parking spaces permitted for the residential units and commercial use is 545 spaces, and the minimum number of parking spaces permitted is 379. The Applicant proposes to provide 457 parking spaces in a structured garage lined by the proposed building and 466<sup>3</sup> spaces when on-street parking on Woodland Drive is included, a reduction of 74 spaces from the approved parking in the Sketch Plan application. Additionally, per staff's direction and as conditioned, the Applicant will unbundle the parking from the residential units to discourage tenants from having unnecessary cars at this Metro-proximate location.

## Parks

The Sector Plan recommends a civic green urban park ranging in size between one-half and one-acre at the Site. A civic gathering space is defined by the Sector Plan as a contiguous space of one-half acre or more that can accommodate cultural programs, community events and neighborhood festivals. The Applicant proposes a plaza and open space of approximately one-half acre along the southern portion of the Site. The proposed plaza includes a series of stepped terraces, with a combination of hardscape, lawns, landscaped plant beds, and outdoor seating. The combination of terraces provide opportunities for gathering spaces and performances, as well as informal outdoor seating to serve patrons of the adjacent retail as well as the Forest Glen Metrorail Station.

At one-half acre, the proposed civic green urban park is the minimum size recommended by the Sector Plan. The half-acre of functional civic green space includes areas within a separate parcel that will be the location of the "Forest Glen Passageway" MCDOT project that will create a new entrance and tunnel connecting to the Forest Glen Metro Station. These areas, shown in Figure 8 on page 26 of this Staff Report, will function as part of the larger civic green despite being on land (eventually) owned by MCDOT. Per Site Plan Condition 3.b, the Applicant may not receive credit for this space (1,904 square feet) towards the half-acre civic green requirement if that land is conveyed for consideration to MCDOT.

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<sup>3</sup> Parking may be reduced as part of the Certified Site Plan.

## 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 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 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 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 Applicant proposes to move the curb cut for the garage entrance farther north from the intersection, consistent with the Plan recommendation. The existing driveway access on Forest Glen Road will also be eliminated, removing an existing conflict point on a heavily trafficked multimodal corridor. Staff has reviewed the project and found it to be in conformance with the goals of Vision Zero.

Based on the findings outlined above, the Subject Applications substantially comply with the recommendations of the 2020 *Forest Glen Montgomery Hills Sector Plan*.

## THRIVE MONTGOMERY 2050 (GENERAL PLAN)

The Subject Applications also substantially comply with the goals and recommendations of *Thrive Montgomery 2050 (General Plan)*. *Thrive Montgomery 2050* is the county’s long-range guide for the development of the county.

The Subject Property is located within a Corridor-Focused Growth area as defined on page 71 of the General Plan, which “should have the largest share of new growth” (p. 72). One of the policies included in the Compact Growth chapter is to “Concentrate growth in centers of activity and along corridors through compact, infill development and redevelopment to maximize efficient use of land.” By redeveloping land adjacent to a Metro station into a significant amount of housing and a neighborhood-level commercial use, the Subject Applications are in keeping with this goal of focusing growth along designated corridors that are well-served by transit.

Another major element of the General Plan is the Housing for All chapter, which contains recommendations intended to diversify the housing stock across incomes, building types, and geography (p. 23). The Subject Applications strongly align with the policies in the Housing for All chapter.

Specific policies from the General Plan that the applicant meets include:

- “Encourage the production of more housing to better match supply with demand” (p. 132)

- “Expand opportunities to increase residential density, especially along major corridors” (p. 132)
- “Facilitate the development of a variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities” (p. 132)

By providing 390 dwelling units, 15% of which will be MPDUs, adjacent to the Forest Glen Metro Station, the Subject Applications substantially comply with the recommendations of *Thrive Montgomery 2050*.

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

**a) Roads and other Transportation Facilities**

***Existing Facilities***

Georgia Avenue (MD 97) is a Town Center Boulevard with six travel lanes and a center median. Sidewalks are present along both sides of the roadway. However, there is no buffer between the sidewalk and the travel lanes.

Forest Glen Road is a Town Center Street with five lanes, this includes one shared through-right westbound lane, two westbound left-turn lanes, and two east-bound lanes that transition to one eastbound lane approaching Woodland Drive. Sidewalks are provided on both sides of the roadway. However, there is no buffer between the sidewalk and the travel lanes.

Woodland Drive is a Neighborhood Street with two travel lanes. Sidewalk is only provided along the west side (Site side) of the roadway. The buffer between the sidewalk and the roadway varies in width.

There is an existing bus shelter located on the northeastern corner of the Georgia Avenue (MD 97) and Forest Glen Road intersection and is served by the following routes:

- Route Q2 provides service between the Silver Spring Metro Station and Shady Grove Metro Station.
- Route Q4 provides service between the Silver Spring Metro Station and Rockville Metro station.
- Route Y2 provides service between the Silver Spring Metro Station and Montgomery General Hospital and Prince Philip Drive.
- Route Y7 provides service between the Silver Spring Metro Station and the Georgia Avenue ICC Park and Ride Lot.
- Route Y8 provides service between the Silver Spring Metro Station and Montgomery General Hospital and Prince Philip Drive.



***Proposed public transportation infrastructure***

Along the Georgia Avenue (MD 97) frontage, the applicant will dedicate 14-feet and construct an 11-foot-wide sidepath with an 8-foot-wide street buffer. The existing bus shelter at the corner of the Georgia Avenue (MD 97) and Forest Glen Road intersection will be retained.

Along the Forest Glen Road frontage, the applicant will dedicate 10 feet and coordinate with MCDOT and MDOT SHA to ensure construction of a 7-foot-wide sidewalk. If the development occurs before the MDOT SHA Safety and Accessibility Project, an 11-foot-wide buffer will be provided. Following the MDOT SHA widening project, a 5-foot-wide buffer will remain.

Along the Woodland Drive frontage, the applicant will construct a 6-foot-wide sidewalk with a 6-foot-wide street buffer. On-street 8-foot-wide parking will also be provided, with 6 parking spaces dedicated for Metrorail tunnel access pick-up/drop-off use.

The Forest Glen Passageway CIP project (P501911) will add a new grade separated connection under Georgia Avenue to improve access to the Forest Glen Metro Station from neighborhoods and institutions located on the east side of Georgia Avenue. While the proposed project will not construct the CIP project, it will accommodate the tunnel entrance on the southwest corner of the site. Per the approval letter from MCDOT dated February 23, 2024, a 3,824-square-foot area at the southwest of the Subject Property must be provided to facilitate the construction of the Forest Glen Passageway project.

An 8-foot-wide sidewalk that provides a through-block connection linking Woodland Drive and Georgia Avenue (MD 97) will be constructed along the Subject Property's northern boundary.

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

As a proposed development with 390 units and 5,000 square feet of retail, the Project is estimated to generate 266 total peak hour person trips in the morning and 291 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the existing 31,590 square feet of Medical-Dental Office use on the Site, (106 morning peak hour person trips and 156 evening peak hour person trips), the Project is estimated to generate 160 net new morning peak hour person trips and 135 net new evening peak hour person trips. As a result of the estimated transportation impact, the Project was required to submit a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

Table 2: 9801 Georgia Avenue Estimated Person Trip Generation

Land Use	Morning Peak Hour	Evening Peak Hour
Existing (credit)		
Medical-Dental Office 31,590 sqft.	106	156
Proposed		
Residential Mid-Rise Multifamily 390 units	242	230
Strip Retail (<40k) 5,000 sqft.	24	61
<b>TOTAL PROPOSED</b>	<b>266</b>	<b>291</b>
<b>Net New Person Trips</b>	<b>+160</b>	<b>+135</b>

Source: Transportation Impact Study by Lenhart Traffic dated November 6, 2023, amended by staff

### Travel Mode Adequacy Test

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-driver, transit, walking, and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The only exception is that projects within Red Policy Areas (such as the Subject Site) are not required to evaluate motor vehicle adequacy. The adequacy tests for transit, pedestrians, and bicyclists are still required. The mode split of the total person trips for the Project are summarized by travel mode in Table 3. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate three (3) of the four (4) travel mode adequacy tests.

Table 3: 9801 Georgia Avenue Trip Estimate by Mode

	Total Person-Trips	Auto-Driver
Morning Peak Hour	266	138
Evening Peak Hour	291	151

Source: Transportation Impact Study by Lenhart Traffic dated November 6, 2023, amended by staff

- As the Site is located within a Red Policy area, a motor vehicle adequacy test is not required for the Project.
- Transit system adequacy was evaluated by inventorying two bus stops located within 1,000 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.

There is a total of 13 bus stops within the study area, only 5 of which have bus shelters. However, through coordination with MCDOT staff it was determined that adding bus shelters was not a priority over other off-site improvements.

- Pedestrian system adequacy was evaluated within 750 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 375 feet of the Property.

Several segments in the study area do not meet PLOC standards, generally due to inadequate buffers, high speed limits, and uncontrolled crossings. The prioritized LATR mitigation project list, discussed later, addresses some of the noted deficiencies.

Street lighting in the study area generally met standards. However, some street lighting spacing and distance to curb/sidewalk requirements were noted. However, the deviation from standards is minor and through coordination with MCDOT staff it was determined that other off-site improvements were a higher priority to address.

There were 10 ADA deficiencies identified. Several of these deficiencies will be addressed through the project development through required frontage improvements. While some deficiencies will remain, through coordination with MCDOT it was determined that other off-site improvements were of greater priority to address. Additionally, some of these deficiencies may be addressed as part of the MDOT SHA MD 97 Safety and Accessibility project.

- Bicycle system adequacy was evaluated by analyzing bikeways within 750 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Several deficiencies were noted in the area along Forest Glen Road and Georgia Avenue (MD 97). However, no bicycle facilities are planned in the *2018 Bicycle Master Plan* on Georgia Avenue north of Forest Glen Road, with a parallel planned neighborhood greenway along Woodland Drive. Planned sidepaths would address other noted deficiencies along Forest Glen Road and the southern segments of Georgia Avenue (MD 97). However, through coordination with MCDOT staff it was determined that these improvements did not take priority over other off-site improvements in the area. Under Section 8 of the *2023 Local Area Transportation Review Guidelines (LATR Proportionality Guide)*, the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 390 residential units and 5,000 square feet of commercial is not to exceed \$2,079,332(see calculation below).

*LATR Proportionality Guide = (Extent of Development) (LATR Proportionality Guide Rate)  
(LATR Proportionality Guide Adjustment Factor)*

$$\$2,079,332 = (390 \text{ units}) (\$10,976) (48\%) + (5,000 \text{ square feet}) (\$19.70) (25\%)$$

After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to staff for review. In compliance with the 2022 LATR Guidelines, the final list of prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary Plan. Table 4 identifies those projects which could be feasibly constructed, as well as those projects that could not be feasibly constructed (due to unattainable right-of-way or would require changes to traffic operations outside the control of the applicant) and are addressed by way of mitigation payments. The final list of projects is included in Table 4 and a map of the projects is provided on Figure 32 below.

*Table 4: 9801 Georgia Avenue LATR Mitigation Project List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
1	Intersection of Georgia Avenue and Bonnywood Lane/Tilton Drive	Construct new traffic signal	Construction	\$579,483
2	Forest Glen Road (north side): Forest Glen Road Sidewalk CIP #502506	New sidewalk and street buffer for approximately 2,400 feet along the north side of Forest Glen Road from Woodland Drive to Sligo Creek Trail	Payment	\$1,499,849
			MPDU Credit <sup>1</sup>	\$224,213
			Adjusted Mitigation Payment Subtotal	\$1,275,636
			<b>Total</b>	<b>\$1,855,119</b>
			Proportionality Guide	\$2,079,332

<sup>1</sup> Consistent with Section TA4 of the 2020-2024 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the project’s LATR Proportionality Guide that is generated by MPDUs.

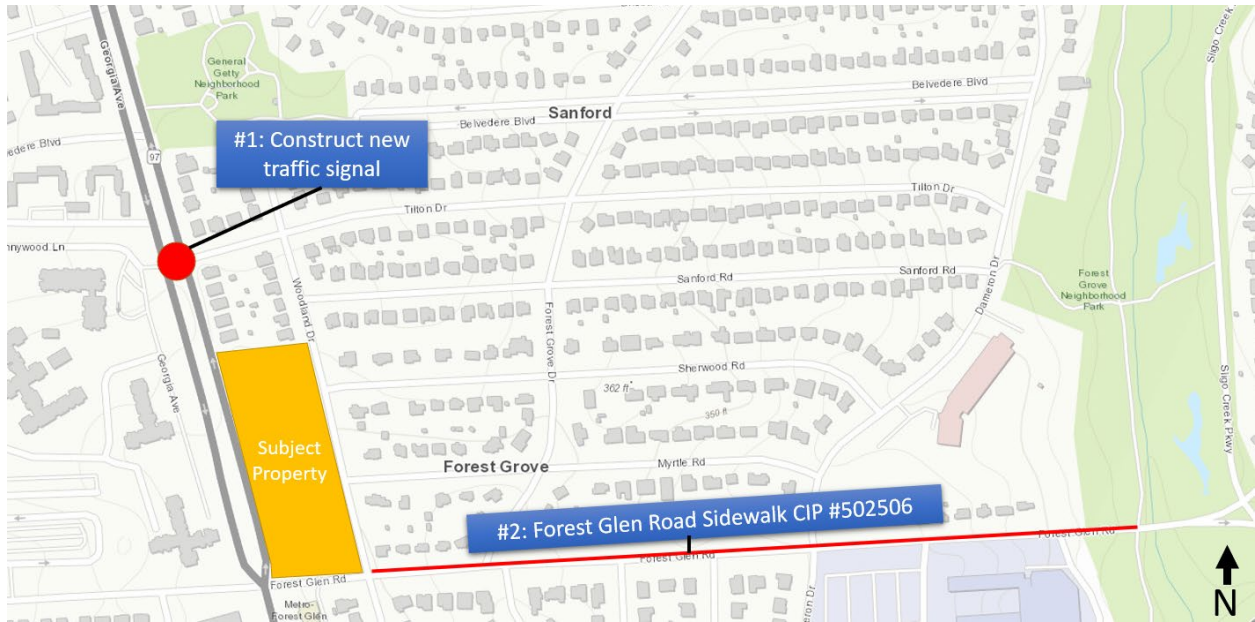


Figure 32: Map of Off-site LATR Mitigation Projects

Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the Transportation Impact Study and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

**c) Schools**

**Overview and Applicable School Test**

The proposed Preliminary Plan 120230160 and Site Plan 820230130 for 9801 Georgia Avenue is scheduled to come before the Planning Board on March 7, 2024. Therefore, the FY24 Annual School Test, approved by the Planning Board on June 15, 2023, and effective July 1, 2023, is applicable to this application. This plan proposes 390 multifamily high-rise units.

**School Adequacy Test**

The project is served by Flora M. Singer ES, Sligo MS and Albert Einstein HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 5: Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Flora M. Singer ES	598	585	97.8%	+13	No UPP	98	133	223
Sligo MS	958	686	71.6%	+272	No UPP	398	464	608
Albert Einstein HS <sup>4</sup>	1,602	1,567	97.8%	+35	No UPP	215	356	596

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY24 Annual School Test, Flora M. Singer ES, Sligo MS and Albert Einstein HS do not require any UPP as identified in Table 5. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

**Calculation of Student Enrollment Impacts**

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

With a net of 390 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property’s location within an Infill Impact Area:

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<sup>4</sup> Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Down County Consortium, Bethesda-Chevy Chase HS, Walter Johnson HS, Walt Whitman HS, and Charles Woodward HS in 2026.

Table 6: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.202	0.000	0.096	0.000	0.141	0.000
SF Attached	0	0.161	0.000	0.087	0.000	0.126	0.000
MF Low-rise	0	0.065	0.000	0.030	0.000	0.040	0.000
MF High-rise	390	0.039	15.210	0.016	6.240	0.018	7.020
<b>TOTALS</b>	<b>390</b>		<b>15</b>		<b>6</b>		<b>7</b>

As shown in Table 6, on average, this project is estimated to generate 15 elementary school students, 6 middle school students and 7 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 5. Therefore, no UPPs are required and neither are partial payments across multiple UPP tiers.

**d) Other Public Facilities and Services**

Other public facilities and services are available and will be adequate to serve the full density of the proposed development. The Property is served by public water and sewer service. This Application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Group, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

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

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 F20240040.

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

DPS approved a Stormwater Management Concept on January 11, 2024. The plan proposes to meet required stormwater management goals via the use of Planter Box Microbioretentions. The approval letter also specifies that “Due to project constraints a partial waiver of stormwater management requirements was requested and hereby granted.”

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

Not applicable.

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

Not applicable.



## SECTION 7: SITE PLAN 820230130 FINDINGS AND ANALYSIS

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.

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

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

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

On March 30, 2023, the Planning Board approved Sketch Plan 320230020 for the development of up to 415 dwelling units and up to 5,000 square feet of commercial uses on the Subject Property. The Subject Application complies with the conditions of approval of the Sketch Plan, as amended by the Subject Site Plan for Sketch Plan Condition 6.

As identified in the Previous Approvals section of this Staff Report, several issues were identified as part of the Sketch Plan that would need to be addressed as part of the Subject Preliminary, Site, and Forest Conservation Plans. Sketch Plan Condition 12 stated that 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.

As described in the Transportation Section beginning on page 29 above and in Preliminary Plan Finding 3 on page 55 above, the Applicant has conducted a Transportation Study in accordance with the LATR Guidelines that has been reviewed and approved by Planning Staff, MCDOT, and MDOT SHA.

- b) The Applicant should unbundle residential parking and substantially reduce parking accordingly to encourage transit use.

As conditioned, the Applicant will provide unbundled parking and has reduced the number of parking spaces from 540 at the time of the Sketch Plan to 466 as part of the Subject Applications. Parking may be further reduced at time of Certified Site Plan.

- c) The Applicant should evaluate potential traffic calming measures on Woodland Drive, in coordination with MCDOT.

The Applicant has coordinated with MCDOT to provide traffic calming measures. Woodland Drive's pavement width will be narrowed, and the Applicant will provide on-street parking along the Subject Property's Woodland Drive frontage, both of which will serve to calm traffic.

- d) The Applicant must work to remove or fully screen the transformers along the sidewalks of Woodland Drive and Forest Glen Road.

Transformers along Woodland Drive and Forest Glen Road will be underground and are thus fully screened.

- e) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.

As stated in the Forest Conservation Plan Findings beginning on page 79, the Applicant has submitted a Preliminary/Final Forest Conservation Plan that meets the requirements of Chapter 22A – Forest Conservation Law.

- f) Plantings should use a variety of native plants that provide habitat and food sources for wildlife.

As described in the Community Correspondence section of this Staff Report on pages 46 through 48, the Applicant is providing 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.

The DHCA Approval Letter, dated February 8, 2024, states "To substantially comply with the Master Plan recommendations, DHCA requests that the applicant provide 5 percent 3-bedroom units at the time of the Agreement to Build."

- h) The Applicant must include the on-street parking spaces in all parking calculations.

The Applicant has included on-street parking in all parking calculations present on the Preliminary and Site Plans.

- i) The North Open Space must be designed to be safe, comfortable, and well-lit.

The Applicant met with Planning Staff multiple times to discuss the design of the North Open Space, a through-block connection between Georgia Avenue and Woodland Drive, with the intent of making the space safe for all users. A combination of improved lighting, thoughtful landscaping, and crime prevention through environmental design (CPTED) principles have been employed to ensure that the space is safe, comfortable, and well-lit.

- j) The Applicant must try to save or relocate the cherry trees on Forest Glen Road frontage, with the help of an arborist.

As part of the Subject Applications, the Applicant provided the results of a Level 2 condition assessment of the three ornamental cherry trees present at the southern portion of the Subject Property, dated June 14, 2023. The assessment was conducted by Cene Ketcham of Wetland Studies and Solutions Inc. (Certified Arborist #MA-5812A, TRAQ; Maryland Licensed Tree Expert #2475). The assessment states that “All three cherries are impressively large and were clearly quite remarkable specimens at one point in their lives. However, they have been declining for quite some time and are near (Tree 1) or past (Trees 2 & 3) the end of their useful life in the landscape.” The assessment further concludes that “These trees would be exceptionally poor candidates for transplant,” and, “likewise poor candidates for preservation in place”. Ultimately, the assessment concludes, “Regardless of future development plans for the property, my recommendation is that these trees be removed.”

In addition to these issues identified in Condition 12 of the Sketch Plan, Sketch Plan Condition 4 provided a list of building design and massing revisions to be done as part of the Subject Site Plan. Planning Staff met with the Applicant multiple times as part of the plan review of this Project to refine the design of the building to bring it into conformance with the provisions of this condition. The resulting design improvements are discussed in the Urban Design section of this Staff Report on pages 23 through 29, as well as in the Community Correspondence section on page 41 through 46.

Sketch Plan Condition 7 states, “The Applicant must provide a designated pick-up/drop-off area for the Forest Glen Metrorail Station.” Conformance with this condition, as well as conformance with the Sector Plan recommendation it is based on, can be found in Preliminary Plan Finding 2 on page 50 of this Staff Report. Sketch Plan Condition 14 states, “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.” This condition is addressed in Site Plan Finding 1.d.iii on page 74 of this Staff Report.

The Subject Applications comply with all other conditions contained in Sketch Plan 320230020.

***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;***

Not applicable.

***c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

As shown in Tables 7, 8, and 9 below the Subject Site Plan meets the development standards of the CRT zone.

**i. Division 4.5.4 CRT Zone – Optional Method**

*Table 7: 9801 Georgia Avenue Site Plan Data Table for CRT-2.5, C-2.5, R-2.5, H-120' Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area*</b>	n/a	4.93 acres (214,627 sf)
Prior Dedication	n/a	0.96 acres (41,741 sf)
Proposed Dedication	n/a	0.11 acres (4,489 sf)
<b>Tunnel Parcel</b>	n/a	0.09 acres (3,824 sf)
<b>Site Area</b>	n/a	3.78 acres (164,573 sf)
<b>Mapped Density CRT-2.5, C-2.5, R-2.5, H-120'</b>		
<b>Residential (GFA/ FAR)</b>	536,567 sf (2.5 FAR)	420,000 sf (1.99 FAR**) 390 multi-family dwelling units
<b>Commercial (GFA/FAR)</b>	536,567 sf (2.5 FAR)	5,000 sf (0.02 FAR**)
<b>Total Mapped Density (GFA/FAR)</b>	536,567 sf (2.5 FAR)	425,000 (2.01 FAR**)
<b>MPDU Requirement</b>	12.5% (49 MPDUs)	15.3% (60 MPDUs)
<b>Building Height</b>	120 ft	80 ft
<b>Public Open Space (min s.f.)</b>	16,474 sf (10%)	24,300 sf (14.7%)***
<b>Green Cover Area</b>	57,657 sf (35%)	57,657 sf (35%)

\*Includes tunnel parcel.

\*\*Proposed FAR calculations account for subtraction of the tunnel parcel area from tract area.

\*\*\*Proposed Public Open Space is deducted by 5,000 square feet which will instead be counted towards Public Benefit points in the Vegetated Area category.

Table 8: Parking Table

Parking	Units Provided	Required Min/Max	Proposed
<b>Vehicle Parking</b>			
Residential			
Efficiency Residential Unit	21 units	21/21	--
1BR Residential Unit	213 units	213/267	--
2BR Residential Unit	86 units	86/129	--
3BR Residential Unit	10 units	10/20	--
MPDU Efficiency Residential Unit	4 units	2/4	--
MPDU 1BR Residential Unit	39 units	20/49	--
MPDU 2BR Residential Unit	15 units	8/23	--
MPDU 3BR Residential Unit	2 units	1/4	--
Subtotal of all Residential Units	390 units	361/517	--
Retail	5,000 sf	18/30	--
<b>Vehicle Parking Total</b>		379/547	466 spaces*
Structured Parking Garage			457 spaces
On-street Parking (not including Metro pick-up/drop-off)			9 spaces

\*The Applicant proposes to have all parking unbundled from residential units. Parking may be further reduced at the time of Certified Site Plan.

Table 9: Bicycle Parking

Bicycle Parking		Required Min	Long-term	Short-term	Total Spaces
Residential Units	390 units	100 spaces	95 spaces	5 spaces	
Retail Square Footage	5,000 sf	1 space	1 space	1 space	
			96 spaces	6 spaces	102 spaces

### Height Compatibility Requirements

The proposed development is subject to the height compatibility requirements of Section 59.4.1.8.B.2.b, which states that “any structure may not protrude beyond a 45-degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the confronting zone at the front or side street setback line.” The setback required for the Subject Property zone (CRT) is zero, and the height allowed in the confronting zone (R-60) is 35 feet. Therefore, the 45-degree plane begins at 35 feet above the property line. As shown in Figure 33 below, the proposed building massing complies with this requirement by stepping back the building massing at intervals that keep the massing below the 45-degree plane.

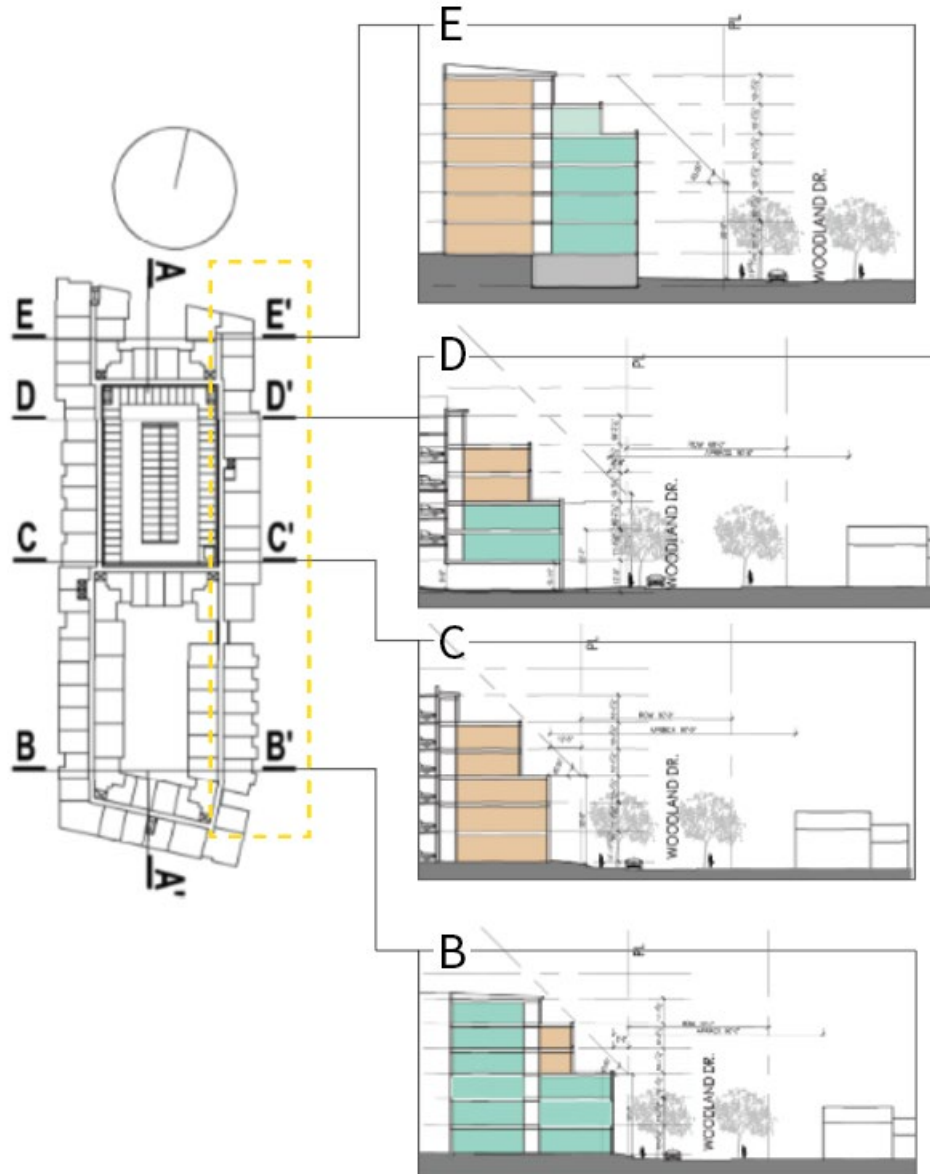


Figure 33: Height Compatibility Exhibit

**ii. Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Applicant sought 124.7 public benefit points in 5 categories to satisfy the requirements. Planning Staff supports the awarding of 115 Public Benefit points in 5 categories in order to satisfy the requirements:

Table 10: Public Benefit Calculations- Division 59-4.7

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Points Requested</b>	<b>Staff Recommended</b>
<b>Transit Proximity</b>	70 points	25 points	25 points
<b>Connectivity and Mobility</b>			
Through-Block Connections	20 points	20 points	17.5 points
<b>Diversity of Uses and Activities</b>			
Moderately Price Dwelling Units	N/A	30 points	30 points
<b>Quality Building and Site Design</b>			
Architectural Elevations	20 points	10 points	10 points
Structured Parking	20 points	9.7 points	10 points
Tower Step Back	10 points	5 points	0 points*
<b>Protection and Enhancement of the Natural Environment</b>			
Cool Roof	10 points	5 points	5 points
Energy Conservation and Generation	15 points	10 points	10 points
Vegetated Area	10 points	10 points	7.5 points
<b>Total Points</b>	<b>100 (required)</b>	<b>124.7 points</b>	<b>115 points</b>

\*Project does not meet the requirement to retain the step-back along at least 70% of the frontage on a right-of-way or open space.

## TRANSIT PROXIMITY

The Subject Property is zoned CRT and qualifies as abutting or confronting Transit Service Proximity Level 1. The Subject Property abuts a planned entrance to WMATA’s Forest Glen Metro Station. Per Table 2 of the Commercial/Residential Zone and Employment Guidelines, this qualifies the Subject Application for 25 Public Benefit points.

## CONNECTIVITY AND MOBILITY

### Through-Block Connection

The Project includes an east-west through-block connection between Georgia Avenue to the west and Woodland Drive to the east. The Subject Application is seeking 20 points by providing this through-block connection through the northern portion of the Subject Property. The through-block



connection is discussed in greater detail in the Open Space section on page 28 of this Staff Report. In order to be awarded 10 points, the through-block connection must 1) be an open-air connection, 2) be at least 15 feet wide, and 3) be open to the public between 8AM and 9PM and, where the connection leads to a transit facility within one half mile, for the hours of operation of the transit facility. All three of these criteria are met. Additional Public Benefit points up to 20 points total may be awarded if the following criteria are also met: 4) at least 35 percent of the walls facing the interior pedestrian connection have clear, unobstructed windows above the floor level between 3 and 8 feet, 5) the connection provides direct access to parks, transit, or public buildings, 6) accessible retail uses along the majority of its length, and 7) increased width. Retail is not provided along any of the through-block connection's length, but all other criteria of additional points are satisfied. Therefore, Staff recommends the awarding of 17.5 Public Benefit points in the Through-Block Connection category.

## DIVERSITY OF USES AND ACTIVITIES

### Moderately Priced Dwelling Units

Projects are awarded 12 Public Benefit points for every 1 percent of MPDUs provided greater than 12.5 percent. The Subject Application is required to provide a minimum of 12.5% MPDUs, and is providing 15% MPDUs, or 60 MPDUs. By virtue of exceeding the minimum percentage of MPDUs required by 2.5%, the Subject Application qualifies for 30 Public Benefit points in the Moderately Priced Dwelling Units category.

## QUALITY BUILDING AND SITE DESIGN

### Architectural Elevations

As described in the Building Design section of this Staff Report on page 23, Planning Staff worked extensively with the Applicant to create a quality building design. Planning Staff recommends awarding 10 points for this category. The Project meets the specific criteria for this category as follows:

1. Minimum amount of transparency on the first floor

The majority of the ground floor along Georgia Avenue consists of expansive double-height storefront glass and leasing/amenity space that will activate this frontage. The Forest Glen Road frontage is dominated by the proposed retail space, which also features significant expanses of glass.

2. Minimal spaces between operable doors

Pedestrian entrances are located along all Property frontages. On Georgia Avenue, the main residential entrance is located towards the middle of the frontage, individual unit entrances are located north of the vehicular entrance, and retail entries are located along the southern portion, proximate to the proposed civic green. The Forest Glen Road façade contains a number of retail entries that will activate this frontage. Along Woodland Drive a number of the residential units have

their own unit entry off of the street, creating an enhanced streetscape and active pedestrian experience.

3. Design priorities of the applicable master plan and/or implementing design guidelines

As described in the Sector Plan section on page 50 of this Staff Report, the design of the Project furthers the objectives and design priorities of the Sector Plan. The Project provides an appropriate transition between Georgia Avenue and the confronting residential areas to the east, and incorporates the planned metro tunnel, as called for in the plan.

**Structured Parking**

The Subject Application seeks 10 Public Benefit points for providing a structured parking garage. The structured parking garage will contain 457 above-ground spaces and zero below-ground spaces. The Subject Application also includes 9 on-street parking spaces located off-site, and off-site spaces are not counted towards parking in this category. As a result, Staff supports 10 points for this category.

*Table 11: Structured Parking*

Structured Parking		
A	Above-grade Structured Parking Spaces	457 spaces
B	Below-grade Structured Parking Spaces	0 spaces
T	Total Parking Spaces Provided On-site	457 spaces*
	$((A/T)*10)+((B/T)*20) =$	<b>10 points</b>

\*Parking may be reduced as part of the Certified Site Plan.

**PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT**

**Cool Roof**

The Subject Application seeks 5 Public Benefit points for providing a Cool Roof. On sites larger than one acre, Public Benefit points for this category are limited to a maximum of 5. The Project will feature a Cool Roof, which qualifies the Project for the maximum of 5 points.

**Renewable Energy Generation**

The Project includes approximately 9,184 square feet of rooftop solar array that will provide on-site renewable energy generation. Per Site Plan condition 18.j, the Applicant must provide an energy 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 to show that 1.25% of building energy requirements are provided through renewable resources as part of the Certified Site Plan. The Subject Application qualifies for 10 Public Benefit points.

## Vegetated Areas

The Project proposes in excess of 5,000 square feet of plantings within a minimum soil depth of 12 inches along the north side of the Subject Property. The CR Guidelines specify that more than five and up to ten points may be awarded in this category if a soil depth of greater than 12 inches is provided. As part of the proposed development, all lawn areas counted as green cover will have a minimum soil depth of 30 inches. Therefore, Planning Staff recommends the awarding of 7.5 Public Benefit points for this category. Per condition 18.i, the Applicant will remove 5,000 sf of Public Open Space from their calculations that will instead serve as vegetated area counted towards this Public Benefit category.

Planning Staff supports the awarding of 115 Public Benefit points for the Subject Application, therefore meeting the minimum requirements of Section 59.4.5.4.A.2. to provide at least 100 Public Benefit points.

### **iii. Division 59-6 General Development Standards**

#### **(1) Division 6.1 Site Access**

Vehicular access to the Site will occur via two adjacent roadways. A right-in-right-out access is located on Georgia Avenue (MD 97) on the western boundary of the Subject Property. In addition, a full access aligned with Sherwood Road will be provided on Woodland Drive. A loading access will be located adjacent to this driveway entrance. As discussed in the Transportation section beginning on page 29 of this Staff Report, an operations analysis to assess the need for the Woodland Drive access was completed by the applicant and the MCDOT letter dated February 23, 2024 and MDOT SHA letter dated January 29, 2024 agreed with the findings of that analysis.

Pedestrian access to the Property is proposed directly from improved sidewalks along Georgia Avenue (MD 97), Forest Glen Road, and Woodland Drive. An 11-foot-wide sidepath will be provided along Georgia Avenue, buffered from the travel lanes with an 8-foot-wide street-buffer.

A 6-foot-wide sidewalk with a 6-foot-wide street buffer will be provided along the Woodland Drive frontage. In addition, an 8-foot-wide on-street parking area will be constructed. The southern 6 on-street parking stalls will be reserved for short-term Metrorail pick-up/drop-off use.

As discussed in the Transportation segment of the Project Description section, the frontage conditions along Forest Glen Road will change over time due to the complexity and number of transportation projects anticipated along this frontage. At the time of issuance of the building permit, the applicant will coordinate with MCDOT and MDOT SHA to determine if frontage improvements should be constructed or a fee-in-lieu should be paid. In the ultimate condition there will be a 7-foot-wide sidewalk and 5-foot-wide street buffer.

In addition to the frontage improvements, a through-block connection is provided via an 8-foot-wide sidewalk that connects Woodland Drive to the east with Georgia Avenue (MD 97) to the west.

The existing bus stop along the Georgia Avenue (MD 97) frontage on the northeast corner of the intersection of Georgia Avenue (MD 97) and Forest Glen Road will be retained.

***(2) Division 6.2 Parking, Queuing and Loading***

Parking will be provided in an above ground parking structure located at the center of the site. Parking garage access will be provided from both Georgia Avenue (MD 97) and Woodland Drive. Four hundred and fifty-seven (457) parking spaces will be located within the parking garage and include 10 ADA spaces, 2 ADA van spaces, 5 EV ready spaces, 10 motorcycle spaces, and 5 car-share spaces.

Internal site vehicular circulation will be confined to the parking garage via internal ramping. Due to the change in grade between Woodland Drive and Georgia Avenue (MD 97) the access on Woodland Drive is located on the first level of the development and the access on Georgia Avenue (MD 97) is located on the second level, so there is no direct connection between the two access points.

There will also be a limited number of on-street parking spaces provided along the Woodland Drive frontage, including 6 spaces dedicated for pick-up/drop-off to access the Forest Glen Passageway. In total, 466 parking spaces will be provided. This is more the minimum of 379 parking spaces but below the maximum of 545 parking spaces.

Per section 59-6.2.8.B.1. of the County Code, one loading space is required for multi-unit developments with fifty dwelling units and above. Loading will occur via the loading access adjacent to the garage access driveway off Woodland Drive. The service area will have both a trash and recycling bay and a general loading bay for deliveries and move-ins/outs.

***(3) Division 6.3 Open Space and Recreation***

The Subject Property's tract area is between 3.01 and 6.00 acres, and the Property has three (3) right-of-way frontages on Georgia Avenue, Forest Glen Road, and Woodland Drive. Therefore, the Project is required to provide at least 10% of the site as public open space. The Project includes 29,272 square feet of public open space, which is 17.8% of net site area, which exceeds the minimum requirement of 16,458 square feet (10%). The public open space meets the design standards in Division 6.3 of the Zoning Ordinance.

***(4) Division 6.4 General Landscaping and Outdoor lighting***

All landscaping and lighting included in the Project is designed to preserve and strengthen the character of the Forest Glen area and improve the water and air quality as identified in Section 59.6.4.1. The public and private open spaces proposed as part of the Subject Site Plan include the through-block connection at the north of the property, the civic green and urban plaza at the south of the property, and the streetscape improvements along Georgia Avenue, Forest Glen Road, and Woodland Drive. The open space areas will include landscaping, lighting, and amenities that help to activate the Project.

**e) Satisfies the applicable requirements of:**

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

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on January 11, 2024. The plan proposes to meet required stormwater management goals via the use of Planter Box Micro-Bioretentions. The approval letter also specifies that “Due to project constraints a partial waiver of stormwater management requirements was requested and hereby granted.”

**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 F20240040 on page 79 of this Staff Report.

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

Parking is primarily provided through an above-ground structure at the center of the site, wrapped by the proposed building. Vehicular access to the parking structure is available via two points: one on Georgia Avenue (MD 97) on the west side and another on Woodland Drive on the east side of the site. The Georgia Avenue access, located north of the existing access point, allows right-in-right-out movements. The Woodland Drive access is a full access point. Internal site vehicular circulation will be confined to the parking garage via internal ramping. Due to the change in grade between Woodland Drive and Georgia Avenue (MD 97) the access on Woodland Drive is located on the first level of the development and the access on Georgia Avenue (MD 97) is located on the second level, requiring looping up or down a level before reaching each access.

There will also be a limited number of on-street parking spaces located along the west side of Woodland Drive, with 6 spaces reserved for short-term pick-up/drop-off for Forest Glen Metro Station access.

Per condition 14 of the approved Sketch Plan (320230020) the applicant completed an operational traffic study to evaluate if a single access on Georgia Avenue (MD 97) could safely and efficiently accommodate expected development traffic, thereby eliminating the need for the Woodland Drive access. The results of the analysis found that a single access resulted in additional queuing along northbound Georgia Avenue (MD 97) and required a large portion of the project generated trips to perform challenging weaving and u-turn maneuvers to access I-495 and points south. Therefore, the access point on Woodland Drive was recommended in addition to the access on Georgia Avenue (MD 97). This

operations analysis was reviewed by M-NCPPC staff as well as by MCDOT, and MDOT SHA. Both the MCDOT letter dated February 23, 2024 and the MDOT SHA letter dated January 29, 2024 concur with the analysis findings and the need for a Woodland Drive access in addition to the Georgia Avenue (MD 97) access.

Non-motorized circulation will be improved along Woodland Drive, Forest Glen Road, and Georgia Avenue (MD 97) as per conditions.

**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 Preliminary Plan Finding 2, the Subject Applications substantially conform with the 2020 *Forest Glen/Montgomery Hills Sector Plan*.

**h) *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

As stated in Preliminary Plan Finding 3, the Subject Application is served by Adequate Public Facilities.

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

Not applicable.

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

The Project is compatible with existing, approved, or pending adjacent development. As described in the Urban Design section on pages 23 through 29 of this Staff Report and in the Community Correspondence section on page 41 through 46 of this Staff Report, the Woodland Drive frontage of the building has been designed to be residential in scale and compatible with the residential neighborhood that exists east of Woodland Drive. The urban design of the Project incorporates significant public open spaces, including a

through-block connection providing access between Georgia Avenue and Woodland Drive at the north of the property, a half-acre Civic Green that provides gathering space at the south of the property, and the provision of a tunnel entrance providing direct access to the Forest Glen Metro Station. Redevelopment of the Subject Property, implementing Sector Plan recommendations, will better connect the Subject Property with adjacent properties and transit facilities to encourage pedestrian and bicycle movements in this transit-oriented location.

- 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.

- 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.

## SECTION 8: FOREST CONSERVATION PLAN F20240040 FINDINGS AND ANALYSIS

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law<sup>5</sup>, as conditioned and described below.

### **Natural Resource Inventory/Forest Stand Delineation Plan**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on April 4, 2023 (NRI/FSD No. 420230690). The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of Rare, Threatened and Endangered species. There is 0.43 acres of forest, adjacent to a larger vegetated area, located on the northern portion of the Property. While small patches of forest serve as important habitats for migrating birds and other wildlife, the existing forest contains a high percentage of invasives, with most of the trees covered with euonymus. This Property drains to Sligo Creek, which is a Maryland State Use Class I stream. This watershed is not in a Special Protection Area. The submitted Site Plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

### **Forest Conservation Plan**

Final Forest Conservation Plan ("FFCP") No. F20240040 was submitted for review and approval concurrently with Preliminary Plan No. 120230160 and Site Plan No. 820230130 (Attachment C). The total net tract area for forest conservation purposes includes the tract area of 3.89 acres and 1.23 acres of off-site disturbance for a total of 5.12 acres. The Property is zoned CRT-2.5, C-2.5, R-2.5, H-120' and is classified as Mixed-Use Development ("MDP") as defined in Section 22A-3 of the Forest Conservation Law (FCL) and specified in the Trees Technical Manual. There is 0.43 acres of forest existing on the Property. The Applicant is proposing to clear all of the forest on the Property and meet the planting requirements through a combination of 0.09 acres of on-site tree canopy credit and purchasing credits through a forest mitigation bank. To meet this requirement, 1.11 acres of forest mitigation credits must be purchased through a forest conservation bank located in the Sligo Creek watershed or other Priority Area. If no credits are available in a forest conservation bank located in the Sligo Creek watershed or other Priority Area, the Applicant must purchase 1.32 acres of forest mitigation credits through a forest conservation bank located elsewhere in the County. If no forest mitigation credits are available for purchase at any forest conservation banks in the County, the Applicant may make a fee-in-lieu payment to satisfy the 1.32 acres of reforestation required.

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<sup>5</sup> Based on the initial acceptance date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect on April 4, 2023.



## VARIANCE REQUEST

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal of eight (8) Protected Trees and impacts to the CRZ of one (1) Protected Tree, as identified in Table 12. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

*Table 12: Protected Trees*

<b>Tree ID</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>DBH</b>	<b>Status</b>
ST-3	Black Locust	<i>Robinia pseudoacacia</i>	34 in.	Remove tree
ST-7	Tulip Poplar	<i>Liriodendron tulipifera</i>	33 in.	Remove tree
ST-8	Silver Maple	<i>Acer saccharinum</i>	33 in.	Remove tree
ST-11	Silver Maple	<i>Acer saccharinum</i>	31 in.	Remove tree
ST-13	Yoshino Cherry	<i>Prunus x yedoensis</i>	31 in.	Remove tree
ST-15	Red Maple	<i>Acer rubrum</i>	31 in	Remove tree
ST-16	Red Maple	<i>Acer rubrum</i>	32 in	Remove tree
ST-17	Red Maple	<i>Acer rubrum</i>	32 in	Remove tree
OST-1	Silver Maple	<i>Acer saccharinum</i>	30 in.	Save tree

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment D). Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property in accordance with the recommendations of the Sector Plan and Zoning Ordinance without the Variance.

The Property has many constraints and requirements shaping the design of the proposed development. The Property slopes east from Georgia Avenue to Woodland Drive with a grade change of approximately 20 feet over approximately 270 feet. There is also a north-south slope, with a decrease of eight feet from the northern extent of Woodland Drive frontage to the southern extent. There is an existing sewer line running through the center of the Property that must be relocated before redevelopment. The Property is also constrained by the storm drain line and stormwater management handling runoff from Georgia Avenue. The tunnel connecting to the Forest Glen Metro Station and the Sector Plan requirement of providing a minimum of one-half acre of civic green on the Property constrain the development of the Property. Also, the Property is directly adjacent to the Forest Glen Metro Station, and the proposed development meets the Sector Plan and Thrive goals of providing housing at transit stations.

Trees ST-3, ST-7, ST-8, and ST-11 are located in the forest and vegetated area in the northern portion of the Property. The Sector Plan granted maximum flexibility for the removal and mitigation of the forest and vegetated area. This area will be impacted by the relocated sewer line and site grading, requiring the removal of these Protected Trees.

Tree ST-13 is located adjacent to the existing entrance from Forest Glen Road and will be impacted by the removal of the pavement. Redevelopment of the Property requires the removal of the entrance from Forest Glen Road and regrading of the Property to meet the open space requirements of the Sector Plan. It is also adjacent to the new entrance to the Forest Glen Metro Station, requiring the removal of this Protected Tree.

Trees ST-15, ST-16, and ST-17 are located within the Woodland Drive right-of-way. Required frontage improvements along Woodland Drive, including adding on-street parking and upgraded pedestrian facilities, require removing these Protected Trees.

Tree OST-1 is an off-site tree located in the Sherwood Road right-of-way that will be impacted by utility construction in the paved area of Woodland Drive. This tree will be retained with minor impacts.

### ***Variance Findings***

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

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

The Applicant is redeveloping the Property to meet the goal of providing housing at the Forest Glen Metro Station, as well as providing stormwater management for Georgia Avenue, space for the new Forest Glen Metro Station entrance, urban civic green, and frontage improvements along Woodland Drive to reduce traffic speed and provide a safe pedestrian experience. These requirements require the disturbance generating the impacts on the Protected Trees. Because these goals are provided in the site-specific recommendations in the Sector Plan, they would be applicable to any redevelopment of the Property. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.

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

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on existing site conditions and the requirements to meet development standards, Sector Plan goals, Thrive goals, and County Code requirements.

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

The requested Variance is a result of the existing conditions and the required improvements on the Property, and not as a result of land or building use on a neighboring property.

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

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland, or a special protection area. Mitigation trees will be planted on the Subject Property to replace the lost form and function of the Protected Trees being removed.

#### **Mitigation for Trees Subject to the Variance Provisions**

The FCP includes the removal of 255 inches of DBH of Protected Trees. Per Section 22A-21(e), The Applicant is planting mitigation trees at a ratio of 1 caliper inch replaced for every 4 inches of trunk diameter removed, in addition to other forest planting and landscape credit plantings. Also, these trees will be outside utility and stormwater management easements and rights-of-way. The Applicant is proposing to plant 64 inches of native canopy trees, using a minimum size of 3-inch caliper tree.

#### **Recommendation on the Variance**

Staff recommends approval of the variance, with mitigation plantings.

## SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan, Site Plan, and Forest Conservation Plan applications each satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2020 *Forest Glen/Montgomery Hills Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan, Site Plan and Forest Conservation Plan with the conditions specified at the beginning of this report.

### ATTACHMENTS

*Attachment A: Preliminary Plan*

*Attachment B: Site Plan*

*Attachment C: Forest Conservation Plan*

*Attachment D: Variance Request*

*Attachment E: Prior Approvals (Sketch Plan)*

*Attachment F: Agency Letters*

*Attachment G: Community Correspondence*

*Attachment H: Pre-submission Community Meeting Affidavit and Meeting Minutes*

*Attachment I: Endesco (Community) Traffic Study and Agency Responses*

*Attachment J: Draft Proposed Conditions for Resolution*