

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

April 19, 2024

MCPB No. 24-036
Site Plan No. 820230130
9801 Georgia Avenue
Date of Hearing: March 7, 2024

RESOLUTION

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

WHEREAS, on August 23, 2023, JLB Realty, LLC (“Applicant”) filed an application for approval of a site plan for 390 dwelling units including 15% MPDUs and 5,000 square feet of commercial development on 3.78 acres of CRT-2.5, C-2.5, R-2.5, H-120’ zoned-land, located at the northeast quadrant of Georgia Avenue and Forest Glen Road (“Subject Property”), in the Kensington/Wheaton Policy Area and 2020 *Forest Glen/Montgomery Hills Sector Plan* (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820230130, 9801 Georgia Avenue (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 26, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 7, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820230130 for 390 dwelling units including 15% MPDUs and 5,000 square feet of commercial development, the Subject Property, subject to the following conditions:¹

¹ For the purpose 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.

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 and Occupancy Certificate, the Applicant must construct the Civic Green, unless MCDOT accepts responsibility for the construction of the 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 or dedicated 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.²
- 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 is consistent with the Complete Streets Design Guide, including a landscape buffer of 6 feet.
 - ii. Georgia Avenue is 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

² 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

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 for which MCDOT has accepted responsibility 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.

- 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 the 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(s) 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 the 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 the 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 any applicable 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 (11 ft) sidepath with eight-foot-wide (8 ft) buffer from traffic.
 - ii. Woodland Drive: six-foot-wide (6 ft) sidewalk with six-foot-wide (6 ft) buffer from traffic.
 - iii. Forest Glen Road: Seven-foot-wide (7 ft) sidewalk and a minimum five-foot-wide (5 ft) 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).

1. Revise plans to show trash receptacles located in all public open spaces.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 9801 Georgia Avenue 820230130, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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.

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.

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.

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.

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 plantings will provide a healthy alternative ecosystem to the existing remnant forest and tree cover that is heavily impacted by invasive species.

- 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.

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 Sector Plan conformance finding of this Resolution. 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.”

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.

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

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

Not applicable.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- b. Development Standards

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

The Subject Property includes approximately 3.78 acres zoned CRT-2.5, C-2.5, R-2.5, H-120'. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: 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

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

*Includes tunnel parcel.

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

***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 2: Parking Table

Parking	Units Provided	Required Min/Max	Approved
Vehicle Parking			
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	--
Vehicle Parking Total		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 3: 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 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. The building massing complies with this requirement by stepping back the building massing at intervals that keep the massing below the 45-degree plane.

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. The Planning Board awards 115 Public Benefit points in 5 categories in order to satisfy the requirements:

Table 4: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Points Requested	Approved
Transit Proximity	70 points	25 points	25 points
Connectivity and Mobility			
Through-Block Connections	20 points	20 points	17.5 points
Diversity of Uses and Activities			
Moderately Price Dwelling Units	N/A	30 points	30 points
Quality Building and Site Design			
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*
Protection and Enhancement of the Natural Environment			
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
Total Points	100 (required)	124.7 points	115 points

*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. 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, the Planning Board awards 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

Planning Staff worked extensively with the Applicant to create a quality building design. The Planning Board awards 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 commercial 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 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

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, the Planning Board awards 10 points for this category.

Table 5: 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*
	$((A/T)*10)+((B/T)*20) =$	10 points

*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 development, all lawn areas counted as green cover will have a minimum soil depth of 30 inches. Therefore, the Planning Board awards 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.

The Planning Board awards 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.

c. General Requirements

ii. 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. 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 provided 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.

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.

iii. 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.

iv. 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.

v. *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 included 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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on January 11, 2024. The plan will meet stormwater management requirements using Planter Box Micro-Biorententions. The approval letter also specifies that “Due to project constraints a partial waiver of stormwater management requirements was requested and hereby granted.”

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as a 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-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to nine Protected Trees. In accordance with Section 22A-21(a), the Applicant has requested a Variance. The Planning Board 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 Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance 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. *The need for the Variance 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, and County Code requirements.

3. *The need for the Variance is not based on a condition related 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. *Granting the Variance 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 the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approves the

replacement of Protected Trees at a ratio of approximately 1 caliper inch replaced for every 4 inches of trunk diameter removed, in addition to other forest planting and landscape credit plantings. No mitigation is required for Protected Trees impacted but retained.

- 6. The development 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 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.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 proposal is for 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 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 development will be wood construction over a concrete podium thereby limiting the height to a maximum of 80 feet, which also dictates the number of units.

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 will include 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 will have 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 will also 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 will plant stratified vegetation throughout the site, as well as micro-bioretenion planters along the perimeter of the building, some of which will accommodate the stormwater needs associated with the Maryland Department of Transportation State Highway Administration’s Montgomery Hills/MD 97 project. In addition, the Applicant will construct 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 Site Plan application substantially conforms with the Sector Plan’s urban design recommendations.

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 single building will transition 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 will also 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 along Forest Glen Road. To ensure compatibility along Woodland Drive, the Applicant included 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 Application includes 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, there will be 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 will 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 Application, it was determined that the combination of an on-site facility internal to the structured 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 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 pick-up/drop-off area will also be closer to the Civic Green and Metro Tunnel at its 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 will provide 457 parking spaces in a structured garage lined by the building and 466³ 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

³ Parking may be reduced as part of the Certified Site Plan.

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 will provide a plaza and open space of approximately one-half acre along the southern portion of the Site. The plaza includes a series of stepped terraces, with a combination of hardscape, lawns, landscaped plant beds, and outdoor seating. The combination of terraces provides 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 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 will function as part of the larger civic green despite being on land dedicated to or (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.

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 will 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 Application substantially complies with the recommendations of the 2020 *Forest Glen Montgomery Hills Sector Plan*.

8. *The development 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.*

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 eastbound 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 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 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 6: 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
TOTAL PROPOSED	266	291
Net New Person Trips	+160	+135

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 7. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate three (3) of the four (4) travel mode adequacy tests.

Table 7: 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 deficiencies 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).

$$\begin{aligned} \text{LATR Proportionality Guide} &= (\text{Extent of Development}) (\text{LATR Proportionality Guide Rate}) (\text{LATR Proportionality Guide Adjustment Factor}) \\ \$2,079,332 &= (390 \text{ units}) (\$10,976) (48\%) + (5,000 \text{ square feet}) (\$19.70) (25\%) \end{aligned}$$

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 8 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 8 and a map of the projects is provided on Figure 1 below.

Table 8: 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 ¹	\$224,213
			Adjusted Mitigation Payment Subtotal	\$1,275,636
			Total	\$1,855,119
			Proportionality Guide	\$2,079,332

¹ 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.

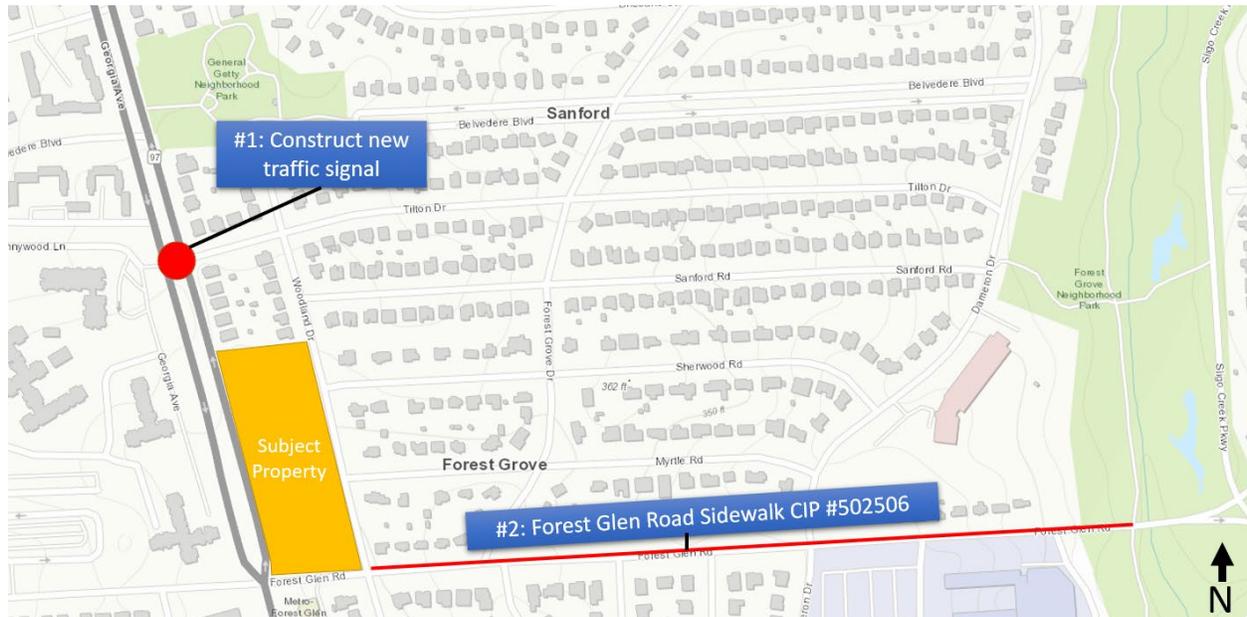


Figure 1: Map of Off-site LATR Mitigation Projects

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

Preliminary Plan 120230160 and Site Plan 820230130 for 9801 Georgia Avenue went 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 includes 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 9: 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 ⁴	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 9. 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 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 project is estimated to generate the following number of students based on the subject property’s location within an Infill Impact Area:

Table 10: 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
TOTALS	390		15		6		7

⁴ 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.

As shown in Table 10, 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 does not exceed the adequacy ceilings identified for each school in Table 9. Therefore, no UPPs are required and neither are partial payments across multiple UPP tiers.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing, approved, or pending adjacent development. 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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

April 19, 2024

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

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, April 4, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board