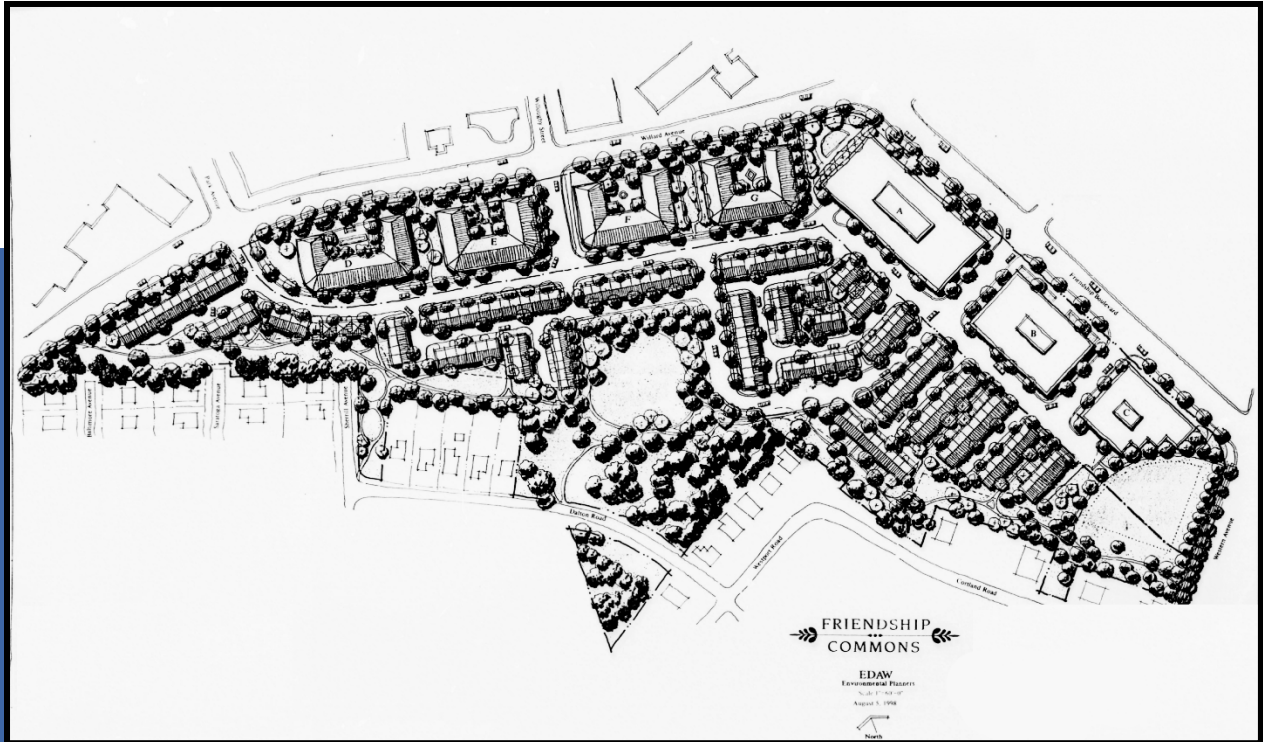


FRIENDSHIP COMMONS (GEICO)

PRELIMINARY PLAN AMENDMENT 11999039A



Request to amend the previously approved 1999 Preliminary Plan to remove the approved office density and establish a new Preliminary Plan validity period and APF validity period for the residential density. This Application also includes a subdivision regulation waiver request for stormwater management requirements to be approved at time of Site Plan per Subdivision Regulation sections 50.4.2.B.2.c and 50.4.3.H. Before Site Plan approval, the Applicant must update the Preliminary Plan to reflect current standards.

COMPLETED: 10/13/2025

PLANNING BOARD HEARING DATE: 10/23/2025

MCPB ITEM NO. 8

Planning Staff



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LOCATION/ADDRESS

SE quadrant, intersection of Willard Avenue and
Friendship Boulevard

MASTER PLAN

1998 *Friendship Heights CBD Sector Plan*

ZONE

Previous Zone: R-60/TDR, TS-M
(currently zoned R-60/ CR3.0 C-2.0 R-1.0 H-100 T)

PROPERTY SIZE

26.51 acres

APPLICANT

Patrick Flynn

ACCEPTANCE DATE

June 25, 2025

REVIEW BASIS

Chapter 50 & Chapter 59

Summary:

- The Planning Board approved Preliminary Plan 119990390 in 1999 for up to 810,000 square feet of office uses and up to 200 townhomes and 300 multifamily units. Through Planning Board and County Council action, the validity periods for the application extend through June 2026.
- The Applicant is proposing to remove the approved 810,000 sf of office uses and requests a new Preliminary Plan Validity Period and APF Validity Period for the residential density, and seeks to waive stormwater management review at this stage of development per Subdivision Regulation sections 50.4.2.B.2.c and 50.4.3.H. As conditioned, an approved stormwater management concept and other updates to meet current standards will be required prior to approval of any future development plans.
- Written correspondence related to the proposed amendment, including letters of support and letters expressing concern, have been received from community members/groups and is discussed within this report. Planning Staff and the Applicant team have also met with several community groups to address the questions raised.
- Staff recommends approval, with conditions, of the Preliminary Plan Amendment.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 11999039A

Staff recommends approval with conditions of the Preliminary Plan Amendment to remove the previously approved 810,000 sf of office uses and establish a new Preliminary Plan validity period and Adequate Public Facilities (“APF”) validity period. All site development elements shown on the latest electronic version of the Preliminary Plan No. 11999039A 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 following Condition 19 modifies the previous condition 19, and Conditions 20-28 are in addition to all other conditions, which remain in full force and effect:

Modified Conditions

- ~~11. No clearing, grading or recording of plats until site plan approval.~~
- 19. The Preliminary Plan will remain valid until June 13, 2002 2036 (~~37 months from the date of mailing, which is May 13, 1999~~ 10 years from the current expiration which is June 13, 2026). Prior to the expiration of this validity period, a final record plat for all property delineated on the Preliminary Plan must be recorded or a request for extension must be filed.

New Conditions

ADEQUATE PUBLIC FACILITIES

- 20. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid until June 13, 2036, ten (10) years from the current APF validity period expiration date.

OTHER APPROVALS

- 21. The Applicant must comply with the binding elements of County Council Resolution No. 13-1461 approving Local Map Amendment G-760.

FUTURE REGULATORY PLAN APPROVAL REQUIRED

- 22. Prior to, or concurrent with, submittal of any future Site Plan, the Applicant must submit a Preliminary Plan Amendment which addresses, at a minimum:
 - a. Chapter 19 Stormwater management requirements;

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

- b. All applicable environmental standards including Chapter 22A Forest Conservation Requirements, environmental guidelines, noise guidelines, and master plan recommendations;
- c. Comments provided by the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section;
- d. Comments provided by Montgomery Parks regarding the conveyance of Brookdale Park, the proposed greenway, and creating pedestrian access;
- e. Chapter 49 requirements and comments provided by the Montgomery County Department of Transportation and Montgomery Planning Transportation Staff to demonstrate compliance with current site access and frontage improvement requirements;
- f. Any required utility/access easements;
- g. Required coordination/submittals with the District of Columbia Department of Transportation.

RECORD PLATS

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

DEVELOPMENTS WITH MPDUS, TDRS OR CHILD LOTS

- 25. The record plat(s) must reflect serialization and book/page reference for any/all TDRs utilized by the development.

CERTIFIED PRELIMINARY PLAN

- 26. 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) or site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

- 27. 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) Coordinate with Planning Staff to include a note regarding existing conditions shown on the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) that did not appear on the previously approved Preliminary Plan.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is a 26.5 acre parcel located in the southwest quadrant of the intersection of Willard Avenue and Western Avenue in Friendship Heights. Identified as 'Parcel A' on Plat No. 5074 in the Montgomery County Land Records, the Property is also located within the 1998 *Friendship Heights CBD Sector Plan Area*.

The Property is zoned by R-60/TDR (requiring use of the Transfer of Development Rights provisions in Chapter 59) and Transit Station-Mixed (TS-M) as it is located approximately .18 miles west of the Friendship Heights Metro Station. The neighborhood surrounding the Property is predominately R-60-zoned residential uses to the southwest with adjacent multi-family and commercial uses located on all other sides. The Site is also neighbored by Washington, D.C. along Western Avenue to the southeast of the Property.



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is currently occupied primarily by the GEICO headquarters building, associated parking and infrastructure, and open lawn areas and numerous mature canopy trees. The Subject Property is located within the Little Falls Branch watershed which is a Use I-P² watershed. The Little Falls Branch Stream is located approximately 400 feet west of the Property, across Willard Avenue; additionally, an unnamed stream and associated buffer are located within south central portion of the Property and along Courtland Road, however the stream is undergrounded approximately 120' after entering the Subject Property.



Figure 2 – Subject Property

² Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

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

The Site is not associated with further environmentally sensitive features such as forest areas, wetlands, 100-year floodplains, or steep slopes. Numerous street trees border the Site along its northern perimeter as well as its southern extent associated with Brookdale Neighborhood Park. The soils associated with the Property are classified generally as urban land, which is not highly erodible or otherwise sensitive. There are no known rare, threatened, or endangered species on site. There are no known historic properties on Site.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

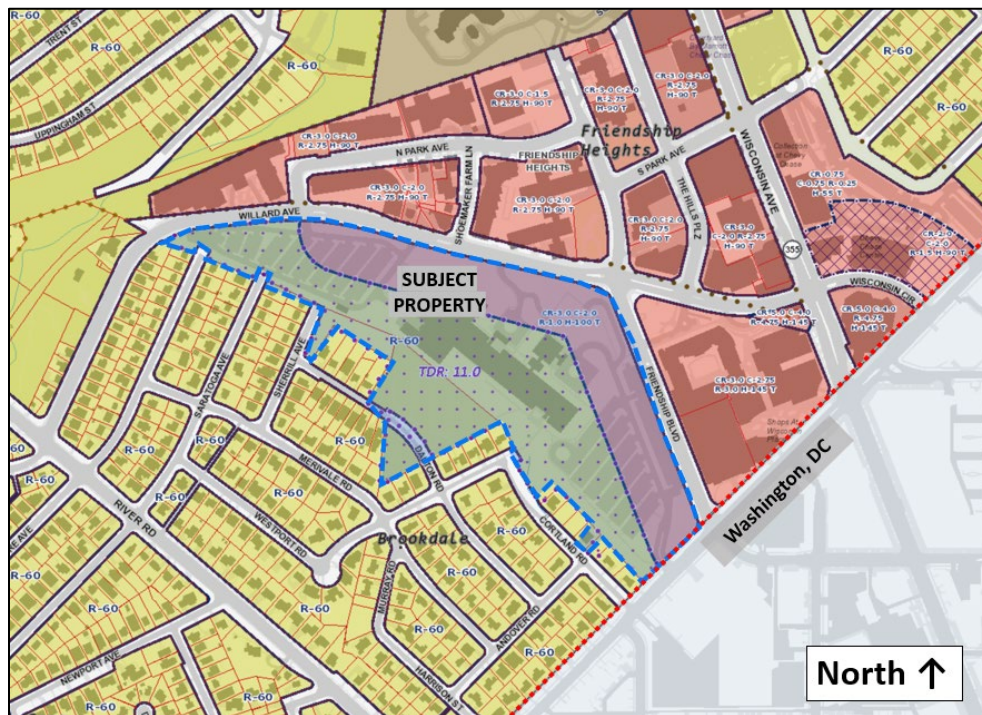


Figure 3 – Zoning Map

Rezoning – Plan No. G-760

The Montgomery County Council approved rezoning application G-760 by MCPB Resolution No. 13-1461 dated October 13, 1998. This application rezoned 9.912 acres of the property from R-60/TDR to the TS-M zone. The TS-M zoned portion of the Property was then rezoned CR-3.0, C-2.0, R-1.0, H-100T following adoption of the current zoning ordinance in 2014.

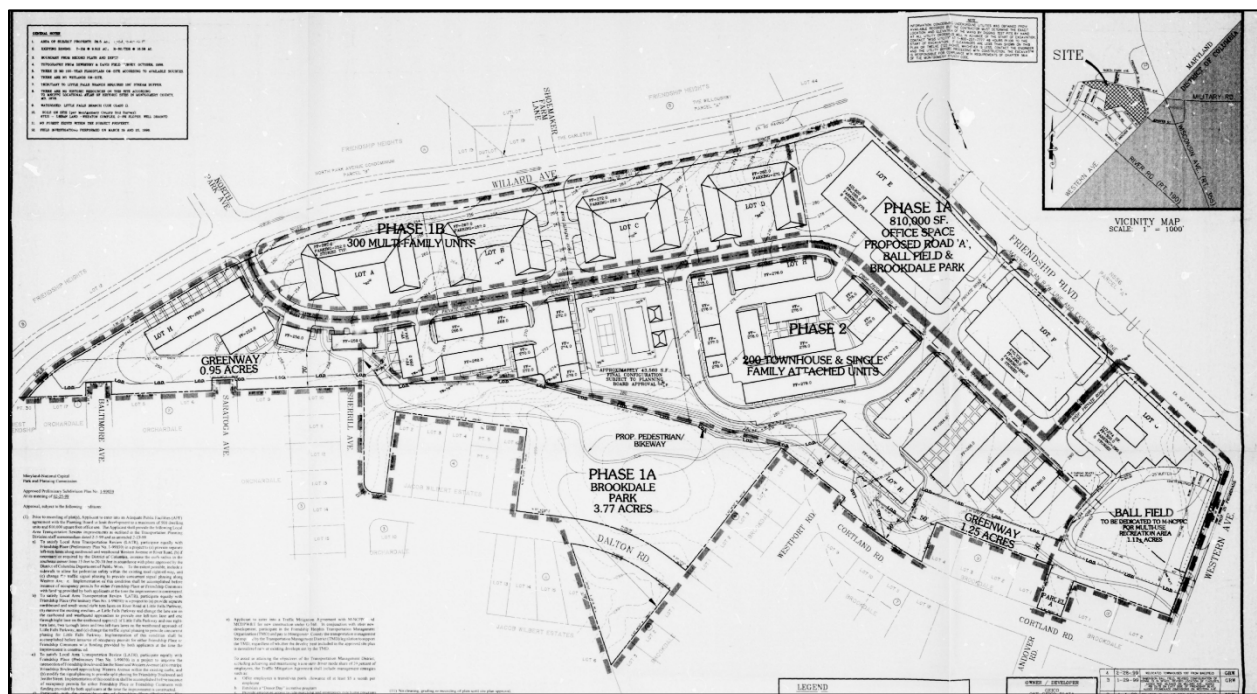


Figure 4 – Preliminary Plan 119990390

Preliminary Plan No. 119990390

Following the 1998 rezoning, the Montgomery County Planning Board approved the original Preliminary Plan for the Site as confirmed by an Opinion dated May 13, 1999. The approved plan was for a phased development consisting of 810,000 sf of office space along Friendship Blvd., 300 multifamily units along Willard Avenue, and a sports field and park as part of Phase 1. An additional 200 townhouse/single-family attached units were proposed as part of Phase 2 of the development. The Preliminary Plan also included the approval of a conceptual Preliminary Forest Conservation Plan.

Approved Validity Periods

As conditioned by the original Preliminary Plan, an initial validity period of 37 months was granted, setting a date of June 13, 2002. Between the years of 2001 and 2020, the Applicant has received a number of extensions to both the Preliminary Plan Validity Period and APF Validity Period; this includes both Planning Board granted extensions as well as automatic extensions, for all applicable plans, granted by the County Council, the last of which was granted in July 2020. These previous extensions now designate APF and Preliminary Plan validity periods through June 13, 2026.

PROPOSAL

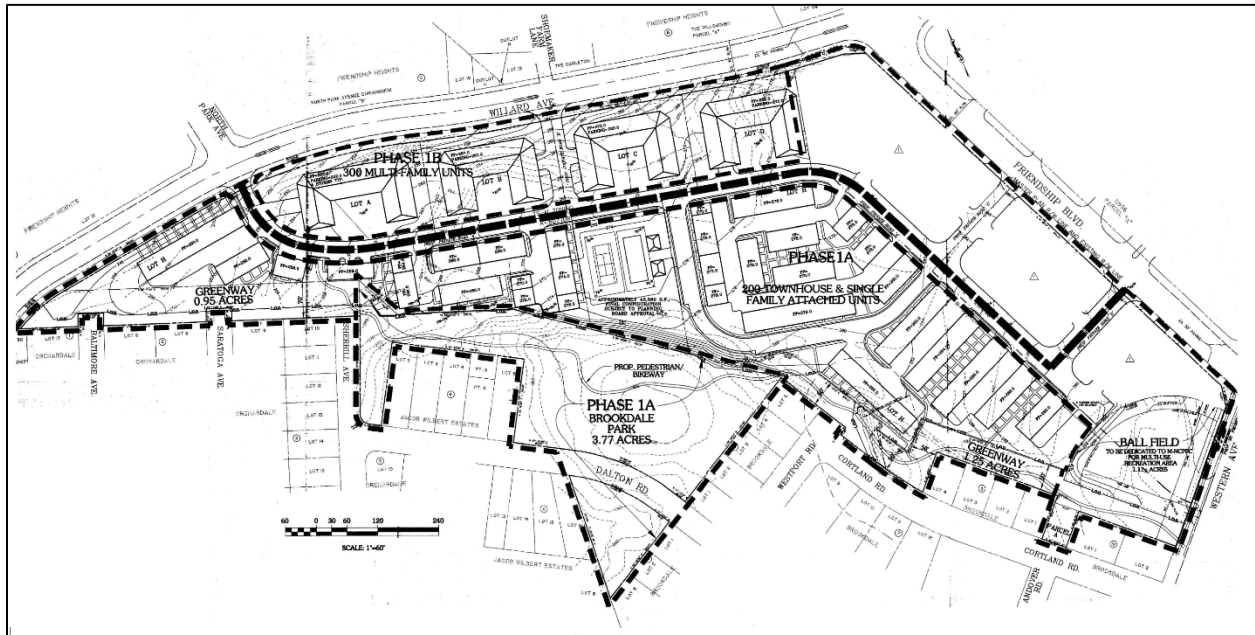


Figure 5– Preliminary Plan11999039A

To support a future holistic review of the Subject Property in the context of Friendship Heights today, the Applicant is requesting a new validity period through June 13, 2036 and proposes to remove the previously approved office use from the plan. This proposed validity period of ten years enables the Applicant to continue efforts to develop the Property through an updated phased development plan.

The proposed amendment will allow a future submission of revised Preliminary Plan and Site Plan. Site Plan approval is required before the Applicant may apply for a building permit for any new construction. This request will also enable the Applicant to coordinate updates to the plan to address the current requirements of the zoning ordinance and other standards which have been significantly updated since the approval of the original Preliminary Plan. Given that the current standards require a substantial review of the Site layout, the Applicant also requests a waiver of the subdivision regulations, per sections 50.4.2.B.2.c and 50.4.3.H., in order to address stormwater management at the time of future development applications. As discussed further below, Staff supports this request as it will allow the Applicant to focus efforts on developing a revised Preliminary Plan and future Site Plan in concert rather than adapting the 1998 plan to fit today's standards only to have the future Site Plan necessitate additional revisions.

TRANSPORTATION

The Applicant also requests a new APF validity period for the approved residential development to coincide with the Preliminary Plan validity period. Planning and MCDOT staff recognize that the previous APF mitigations must be reviewed at the time of the conditioned future Preliminary Plan update to ensure that they align with current design standards and policies.

ENVIRONMENT/FOREST CONSERVATION

As previously mentioned, the campus setting includes numerous mature canopy trees and an unnamed stream and associated buffer are located to the within south central portion of the Property (which is undergrounded approximately 120' after enters entering the Subject Property). Otherwise, the site is not associated with further environmentally sensitive features such as forest areas, wetlands, 100-year floodplains, etc.

The original application included conditional approval of conceptual Preliminary Forest Conservation Plan (PFCP). The PFCP established a 2.49-acre afforestation requirement which would be accomplished through a combination of on-site streetscape and open space plantings, preservation of existing trees and off-site banking. The final proposition of each method of afforestation credit was not determined, as among other things, the conditional approval required the credit to be based on an arborist analysis of the of the tree save plan/ LOD, along with the detailed landscaping planting plan. A new PFCP will be required with the conditioned future update to the Preliminary Plan.

Staff approved an updated Natural Resource Inventory/Forest Stand Delineation Plan (420251860) on July 24, 2025. The new NRI/FSD show updated tree information along with the stream and its associated buffer.

As part of a future Preliminary Plan amendment and/or Site Plan application, all applicable environmental standards and regulatory requirements must be met/addressed, such as but not limited to the Forest Conservation Law/Regulations, Trees Technical Manual, Environmental Guidelines, Noise Guidelines, environmental recommendations of the Master Plan, etc. For example, the Stream Valley Buffer will need to be enhanced and protected. Additionally, rerouting and/or day lighting the currently piped stream for potential realignment along the southwest boundary of the site should be explored.

NOISE

The project includes residential uses within 300 feet of Willard Avenue which carries an average daily traffic (ADT) of more than 5,000 trips. Therefore, the project is subject to the noise guidelines for residential development in Montgomery County. As conditioned a noise analysis and other standards requirements for addressing the noise guidelines will be required at the time of a future preliminary and and/or site plan submission.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public notice was mailed on June 27, 2025. While the Applicant was not required to hold a pre-application community meeting, they have consistently reached out to various community groups regarding the project. In February of this year, the Applicant reached out to the Village of Friendship Heights, the Town of Somerset, the Friendship Heights Alliance, the Brookdale Citizens Association, the Citizens Coordinate Committee on Friendship Heights and the various condominium buildings in Friendship Heights to discuss the project. This was followed up by meetings with representatives of the Village of Friendship Heights, the Friendship Heights Development Advisory Committee (a sub- group of the Village of Friendship Heights government), and with the full Friendship Heights Village Council.

Staff received several letters of correspondence throughout the review of the Project with concerns related to the lack of on-site loading and utilization of Chevy Chase Drive ROW for loading, and the existing narrow width of the pavement on Chevy Chase Drive. A summary of these concerns and how they have been addressed during the review are provided below. Additionally, several letters of support were also received.

LETTERS OF SUPPORT

In addition to areas of concern, Staff received letters of support from The Greater Bethesda Chamber of Commerce as well as residents of Friendship Heights and Chevy Chase, including the neighboring Brookdale Citizens' Association. These letters note the need for housing and development in Friendship Heights to help further revitalize the community and support future growth.

QUALIFICATION FOR EXTENDED APF & PLAN VALIDITY

Some commenters indicated that the development did not qualify for an extension to the Plan and APF validity periods, as specified in Chapter 50. Staff agrees. This Application is not for APF/Plan Validity extension but rather for new validity periods based on the removal of the commercial uses from the approval.

ADDITIONAL PLAN CHANGES & DETAILS NEEDED

Residents and Community Groups have noted that updates to the plan are needed in order to fully address zoning requirements and other standards such as stormwater management and Forest Conservation Law/Environmental Guidelines. Both Staff and the Applicant have met with various community groups and residents and agree that further resolution is needed. The impetus for the Applicant to request additional plan validity and APF validity is to enable coordination with developers to address this 26-acre site in the future. As conditioned, no future development of the site will be possible without approval of an amended Preliminary Plan and Site Plan.

SECTION 5: PRELIMINARY PLAN 11999039A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 119990390, via a Planning Board Opinion dated May 13, 1999, to subdivide the Subject Property and create up to 810,000 sf of office uses up to 500 dwelling units, with conditions.

Preliminary Plan Amendment 11999039A requests to remove the previously approved 810,000 sf of office uses, retain the previously approved residential uses, and establish a new Preliminary Plan validity period and APF validity period. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 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***

This Application retains the previously approved block and lot design. As shown in Development Table 1 below, the Preliminary Plan exceeds the required public/open space for the zone even with the proposed removal of office use space.

- d) The Lot(s) and Use comply with the basic requirements of Chapter 59***

The previously approved lots are not being modified by this amendment. Although the previously approved office use is being removed, no new uses are being proposed at this time, however a future Preliminary Plan amendment, submitted prior to or concurrent with a future Site Plan, will be filed to address plans for lot layout should changes be needed; the application remains in compliance with the requirements of Chapter 59.

Table 1: Friendship Commons (GEICO) Preliminary Plan Data Table for TS-M Zone

Development Standard	Permitted / Required	Approved with 11999039A	Proposed
Tract Area	40,000 sf	431,767 sf (9.912 ac)	431,767 sf (9.912 ac)
Proposed Dedication	n/a	335,390 sf (7.69 ac)	335,390 sf (7.69 ac)
Density (FAR)	3.0 (1,295,301 sf)	2.85 (1,230,536 sf)	0.97 (420,536 sf)
Number of Residential Units (Max)	n/a	300	300
MPDU requirement	15%	12.5% ³	15%
Office Density	n/a	810,000 sf	0 sf
Public Use Space (min.)	10% (43,177 sf)	15% (62,726 sf)	15% (62,726 sf)
Active/Passive Recreational Space (min.)	25% (107,942 sf)	27% (114,563 sf)	27% (114,563 sf)
Vehicle Parking Spaces Required (min.)	300 spaces	2,995 spaces ⁴	400 spaces

Table 2: Friendship Commons (GEICO) Preliminary Plan Data Table for R-60 / (TDR 11) Zone

Development Standard	Permitted / Required	Approved with 11999039A	Proposed
Tract Area	4.55 ac	16.59 ac	16.59 ac
Density (max.)	222 units	200 units	200 units
Vehicle Parking Spaces Required (min.)	400 spaces	400 spaces	400 spaces

2. The Preliminary Plan substantially conforms to the Master Plan

a. Land use

This Application maintains conformance with the 1998 *Friendship Heights Sector Plan*. Regarding land use, the plan recommends that new development be focused around the Metro Core and specifically identifies the GEICO parcel as a key location for redevelopment opportunities. This Preliminary Plan amendment will enable the Applicant to move forward with an updated phased development to this area that responds to the demands of today, such as the need for housing, at a location just blocks from the Friendship Heights Metro station. The plan specifically calls for townhouses and multi-family units which remain a part of this Application.

b. Environment

While the proposed amendment focuses on land use, as conditioned the Applicant will be required to update the Preliminary Plan and provide a new Site Plan which fully addresses the environmental guidelines and Chapter 22A Forest Conservation requirements of the zoning ordinance. The Applicant must also demonstrate conformance to all applicable master plan recommendations in their future Site Plan.

³ At the time of Preliminary Plan 119990390 approval, 12.5% MPDUs were required.

⁴ Includes parking associated with 810,000 sf of office uses.

The Applicant team has, and will continue, to coordinate with the West County Planning Division's Master Plan team to respond to potential recommendations of the Friendship Heights sector plan update which is currently in progress.

c. *Transportation*

The master plan recommends the creation of a strong pedestrian environment through sidewalks, street buffers, and improved connectivity within redevelopable parcels. The Applicant has received comments from Planning Transportation Staff and MCDOT to address these needs as well as to provide the appropriate studies and improvements at their next regulatory submittal; these comments have been incorporated as conditions of approval with this Application. Currently, the lot and block layout remain as previously approved and meets all applicable master plan and regulatory requirements in place at the time of the previous approval.

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

e) *Roads and other Transportation Facilities*

Existing Facilities

The project abuts Willard Avenue, Friendship Boulevard, and Western Avenue (MD 355). Willard Avenue and Friendship Boulevard are all designated as Downtown Boulevards with planned roadway improvements. Willard Avenue features an 85-foot right-of-way and four planned lanes. Friendship Boulevard has an 80-foot right-of-way, also with four planned lanes. Western Avenue shares an 80-foot right-of-way and four lanes, with jurisdiction split between the District of Columbia and the Maryland State Highway Administration.

Proposed public transportation infrastructure

Several roadway frontages are slated for upgrades to meet the Bicycle Master Plan and accessibility standards. Willard Avenue will be updated with separated bike lanes, a bike buffer, a 6-foot street buffer, and a 10-foot sidewalk. Friendship Boulevard will feature two-way separated bike lanes on the west side, along with a bike buffer, 8-foot street buffer, and 15-foot sidewalk. Western Avenue (MD 355) will incorporate separate bike lanes installed by DDOT and SHA, with frontage improvements including a bike buffer, 8-foot street buffer, and 15-foot sidewalk, pending DDOT review. Cortland Road and Dalton Road will both receive a 6-foot street buffer, 6-foot sidewalk, and 2-foot maintenance buffer. Dalton Road also requires AASHTO-compliant ingress alignment and sight distance and must accommodate a pedestrian trail connecting Western Avenue to Willard Avenue, with a Public Use Easement and Maintenance Agreement with Montgomery County.

Proposed private transportation infrastructure

The project proposes several private roads with intersections in Dalton Road and Courtland Road. The private roads need to meet AASHTO compliant ingress alignments and sight distance reviews. Additionally, a proposed trail within the private property will need a Public Use Maintenance Agreement.

f) Schools

School Impact Area Classification

The subject property is located within the Friendship Heights Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy.

Annual School Test Results

This application is scheduled to be reviewed on October 23, 2025. Therefore, the results of the FY2026 Annual School Test, approved by the Planning Board on June 26, 2025 and effective since July 1, 2025, are applicable.

The property is served by Westbrook Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, which evaluates for the 2029-2030 school year, and the default Utilization Premium Payment (UPP) tier placements are shown in Table 3.

Table 3. FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Westbrook ES	648	404	62.3%	+244	No UPP
Westland MS	1,064	855	80.4%	+209	No UPP
Bethesda-Chevy Chase HS ⁵	2,475	2,345	94.7%	+130	No UPP

Based on the FY2026 Annual School Test results above, the Property is not subject to any UPP by default. However, if the project’s enrollment impact estimate exceeds an adequacy ceiling of a school, a partial payment will be required. Table 4 shows the adequacy ceiling of each school to subsequent UPP tiers.

⁵ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Table 4. FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Westbrook ES	318	374	471
Westland MS	329	422	582
Bethesda-Chevy Chase HS	290	625	997
Bethesda-Chevy Chase HS	290	625	997

Enrollment Impact Estimate

Table 5 shows the project's enrollment impact estimate calculation based on the School Impact Area classification and net residential units proposed, using the FY2026-2027 Student Generation Rates.

Table 5. Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Attached	200	x 0.165	= 33.000	x 0.088	= 17.600	x 0.137	= 27.400
MF High-rise	300	x 0.039	= 11.700	x 0.016	= 4.800	x 0.020	= 6.000
TOTAL (rounded down)			44		22		33

The enrollment impact estimate during an average year throughout the life of this project is estimated to be 44 elementary school students, 22 middle school students, and 33 high school students.

This does not exceed any adequacy ceiling identified in Table 4. Therefore, a Utilization Premium Payment is not triggered.

g) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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 Environment/Forest Conservation in Section 3 above.

Furthermore, as part of a future Preliminary Plan amendment and/or Site Plan application, all applicable environmental standards and regulatory requirements must be met/addressed, such as but not limited to the Forest Conservation Law/Regulations, Trees Technical Manual, Environmental Guidelines, Noise Guidelines, environmental recommendations of the Master Plan, etc. For example, the Stream Valley Buffer will need to be enhanced and protected per Sec. 22A-12.(e)(1)(B).

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

This Application includes a request for a waiver of subdivision regulation requirements as it relates to stormwater management per sections 50.4.2.B.2.c and 50.4.3.H. This application does not propose any lot/block configuration changes, remains in substantial conformance with the previous approval, and is subject to the previous conditions of approval (except as modified above). Staff supports the requested waiver to provide a stormwater management concept at this time as discussed in the findings below. As conditioned, Chapter 19 requirements will be addressed at time of future preliminary/site plan.

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

Not applicable to this Property.

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

No other provisions apply to the Subdivision.

Preliminary Plan Validity Period

The current Preliminary Plan validity period is set to expire on June 13, 2026. As the Applicant seeks to consider the current needs of the neighborhood as they generate a Site Plan – and as conditioned an updated Preliminary Plan – and consider the development plans for the Site, more time will be needed to consider how this plan relates to the currently in progress Sector Plan for the area as well as the current zoning standards which have been adopted since the previous approval; for these reasons, the Applicant is requesting a plan validity period of 10 years from the current expiration date.

For a multi-phase project, Section 50-4.2.G of the Subdivision Regulations allows the Planning Board to approve an Applicant's Preliminary Plan validity period per their submitted phasing schedule. The applicant must propose a phasing schedule and the duration of the validity period for each phase as part of an application for preliminary plan approval or amendment. The Board must assign each phase a validity period after considering the size, type, and location of the project. The time allocated to any phase must be 3 years or less after the initiation date for that particular phase for any preliminary plan approved after March 31, 2017.

The Applicant has submitted the following phased development schedule in support of a Preliminary Plan Validity Period expiration of June 13, 2036:

- within three years (June 13, 2029): 50 units (10% of proposed units)
- within six years (June 13, 2032): additional 75 units (25% of proposed units)
- within nine years (June 13, 2035): additional 100 units (45% of proposed units)
- within ten years (June 13, 2036): total 500 units (100% of proposed units)

Staff's Recommendation

Following review of the proposed development schedule which meets the requirements for a multi-phase project as described above, Staff recommends the Board approve the revised development schedule with a plan validity period through June 13, 2036.

Adequate Public Facilities (APF) Validity Period

Section 50.4.3.J.5.d states:

If an applicant requests a longer validity period than the minimum specified in Subsection 4.3.J.5.a, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval.

- i. *At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, whichever is the applicable minimum, after the preliminary plan is approved.*

As described above, the Applicant has provided a proposed development schedule which meets the stated requirements.

- ii. *To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.*

The Applicant requests an APF validity period of 10 years which is in excess of the minimum of 5 years. In support of this request, the Applicant cites the Covid pandemic and the major transformations it caused to employment as a basis for this validity period.

The Site currently houses the GEICO headquarters; GEICO determined earlier this year that the existing headquarters building no longer meets its needs both because of the condition of the building and the overall size of its daily workforce. As such, following discussions with County officials, GEICO decided to relocate its headquarters to Bethesda and to proceed with redevelopment of the Subject Property which marks a significant change from the previous approval which included office space.

With this change, the Applicant now requires an APF validity period which grants sufficient time to obtain redevelop a Preliminary and Site Plan. In order to make this amendment process as efficient as possible, GEICO already has met with County Councilmembers, the County Executive, Planning Staff and local community members.

According to the Applicant, the discussion has focused on GEICO's needs for more modern and efficient office space and the County's desire for walkable transit-oriented development in areas like Friendship Heights and the ability of properties like this to better provide both market rate and affordable housing for the community, as well as open space and amenity features. The Applicant has also reached out to the West County Master Plan team to better understand how the future Master Plan, currently in development, may impact the Site. Extending the validity period as requested will enable the Applicant to coordinate with the community, Planning Staff, and all reviewing agencies to bring forward a development project that fully addresses the needs and desires of the community.

Friendship Commons (GEICO),

Subdivision Waiver Request

As part of this amendment, the Applicant requests a waiver of subdivision regulations under the general waiver provision in Section 50.9 of the Subdivision Regulations. Specifically, the Applicant requests to waive Section 50.4.2.B.2.c which states that the Department of Permitting Services must approve a stormwater management concept plan and floodplain delineation, if required under Chapter 19.

Under Section 9.3.A, to grant a waiver of subdivision regulations, the Board must find that:

1. Due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;
2. The intent of the requirement is still met; and
3. The waiver is
 - a. the minimum necessary to provide relief from the requirements; and
 - b. consistent with the purposes and objectives of the General Plan.

The request is due to the unusual circumstances the Applicant currently faces in bringing forward plans for the Subject Property. The submitted amendment Application does not propose any new or additional development beyond what is already approved for the Property; the proposal requests to remove the office use associated with a portion of the Property along Willard Avenue while retaining the proposed block and lot layout.

While the Applicant has determined that the previous office use is no longer suitable for the development, they also acknowledge that entire Site will need to be reevaluated with respect to layout and configuration in addition to any necessary design changes required to meet current zoning standards.

Given that the exact configuration of the development, including the road network and other site features, will not be determined until a subsequent Site Plan, Applicant has requested that stormwater management measures be determined at that time for purposes of efficiency and accuracy.

The Property is currently in use with a vacant office building, open space, and frontage improvements that function and meets the current needs of the area. Further, as conditioned the Applicant will not be able to move forward with any construction related to a future development until a future Site Plan, and all required regulatory approvals (including stormwater management), are approved for the Site with a subsequent Site Plan and Preliminary Plan (or Preliminary Plan Amendment). The requested waiver is submitted in order to allow the Applicant to proceed in a practical manner without expending resources on plans that will require updating/revision during the next anticipated regulatory approval.

Staff's Recommendation

Staff recommends approval of this subdivision regulation waiver request given the discussion above in conjunction with the Applicant's proposed development schedule which will guide the timeline for future regulatory approvals.

SECTION 6: CONCLUSION

As conditioned, the Preliminary Plan satisfies the applicable standards of the *Subdivision Regulations* and maintains substantial conformance to the recommendations of the *Friendship Heights CBD Sector Plan*. Therefore, Staff recommends approval of the Preliminary Plan Amendment and subdivision regulation waiver request(s) with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: Preliminary Forest Conservation Plan

Attachment C: Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

Attachment D: Prior Approvals

Attachment E: Community Correspondence