

## Appendix A

No witnesses testified in opposition to the application. Five witnesses testified on behalf of the applicant in support of the application:

1. Mr. Daryl South: Mr. Daryl South, vice president of development for Washington Property Company (“Applicant” or “WPC”), testified that his company was the contract purchaser of the subject property. T. 37-49. The applicant decided to rezone the property now because its purchase contract requires settlement by January 1, 2012. T. 37-38. The company believes that there will be a great demand for multi-family housing in two – three years due to pent up demand. T. 37-38

Mr. South stated that WPC amended its development plan to request 245 units. The company intended to market to young professionals and small families targeting the upper end of the housing market with market drive amenities such as a cyber café, fitness center, and landscaped courtyard and pool.

He testified that the building would consist of five stories of wood construction over one to two stories of concrete. The building would be limited to five stories of stick built construction because to go higher the building would have to be constructed of concrete, which would be prohibitively expensive.

The increase from 221 to 245 units would not affect the building FAR. The increase was to permit WPC to have flexibility to change the unit mix (i.e., one or two bedrooms depending on the market. At the request of the Planning Board, they agreed to leave open the possibility of commercial uses in the building. T. 43.

2. Joseph Schneider: Mr. Joseph Schneider qualified as an expert in architecture. He has over 15 years of experience designing multi-family mixed-use residential projects ranging from town houses to 30-story buildings.

The ground floor will have a lobby on Georgia Avenue. The parking garage will be internal with units wrapping around to the east, north and west. The driveway access to the parking garage is on the southern end of the site. The drive aisle brings cars to the entrance the center of the project and contains a speed ramp. T. 54. The garage can be seen from the eastern side of the building, but not from Georgia Avenue.

The second floor plan (the first level above the garage) has a pool plaza in the center and residential units wrapping around the perimeter on four sides of the structure. The pool is open to the sky and an “open-air plaza”. Use of the pool will be reserved for the residents.

The third, fourth, fifth and sixth floors wrap around the perimeter of the structure in a “U” shape. The southern end forms the open part of the “U” and terraces away from the town houses.

The five-story stick-built over concrete buildings are becoming more common in Maryland. Mr. South testified that it is desirable to maximize the development potential of a particular construction type. The type of construction in this building is self-limiting as to FAR because to go higher requires concrete construction which is much more expensive. T. 59.

Fire apparatus ingress and egress would be at the north end of Georgia Avenue. Ambulances would pull up to the main lobby entrance. T. 6-61. The design meets all requirements of the NFPA Life Safety Code. T. 61.

3. Mr. Scott Roser: Mr. Scott Roser qualified as an expert in civil engineering. He prepared the preliminary site plan, the stormwater concept plan, the mitigation plan for the off-site stream, the natural resources inventory, and the preliminary forest conservation plan.

He explained that the site generally drains from the northeast corner, which is near the intersection of Viers Mill Road and Georgia Avenue, to the southeast corner. The grade falls off approximately 25 feet. Georgia Avenue slopes approximately 10 feet from the northern to southern site boundary. T. 74. Drainage from the site flows from the northeast corner to the southwest corner. Currently, there appears to be no existing stormwater management on the property. T. 74.

The majority of the property is already improved by the church and associated parking. The majority of utilities are on Georgia Avenue and the bulk of the electric is above-grade. The sewer line runs to the rear of the property on the school property with existing connections to the church. T. 74. There are two water lines along Georgia Avenue to which the proposed development will connect and the sewer line connection will be in the rear. Water and sewer are adequate to serve the development. T. 78.

Mr. Roser testified that the original gross tract area was 2.36 acres. Prior dedications reduced that area to approximately 1.756 acres. Water and sewer systems were adequate to serve the proposed project. T. 78. The prior dedications were for right of way along Georgia Avenue and potentially a portion of Viers Mill Road. T. 92. The dedication proposed for this application includes a 14-foot strip along the Georgia Avenue frontage. T. 94.

Mr. Roser presented a letter from the Department of Permitting Services approving the project's stormwater management concept plan. T. 79. Because the project is a redevelopment of an existing site and because a regional stormwater management already exists downstream of the site, the development was not required to mitigate for water quantity. T. 80

Stormwater quality will be treated by microbio retention planters that will be incorporated into the building. T. 81. These planters are large boxes containing approximately 2 to 3 feet of soil, 12 to 18 inches of stormwater storage space, and vegetation. T. 81. Stormwater will be funneled to the planters through a building drainage system. T. 81. The stormwater filters through the soil that removes pollutants. T. 81. The vegetation will then uptake the pollutants. The treated water will then flow out of the planter boxes. Some of the stormwater will flow through a recharge trench along the rear (western) property line. Anything in excess of that will be released at another location in the rear of the property line. The planters will be located on the front of the building, the pool deck area, and at the rear of the property behind the parking garage. T. 81.

Mr. Roser also described the stream mitigation plan. The encroachment into the environment buffer is located on about .20 acres on the western portion of the site. He testified that the applicant and Technical Staff both concluded that it did not make sense to require an on-site buffer given the poor quality of the stream. T. 84. The stream extends from the site to a storm drain entrance just north of Douglas Avenue. T. 84. The proposed building will be located on the paved area on the site. T. 85. The town homes to the south are also within the buffer. T. 85.

The existing stream has a very small base flow. It is of poor quality and has a lot of debris and trash within the stream channel. Erosion has undermined many trees and caused them to fall into the stream. Significant amounts of brush have accumulated around the trees, causing sediment to accumulate in those areas.

One aspect of the mitigation plan will include clearing the debris from the stream channel. Accumulated brush will be removed and replaced with a stone structure that is more robust and stable. T. 87-89.

Another aspect of the plan would include stabilization of the stream banks either with riprap or vegetated measures. T. 87. Riprap consists of large stones that are placed between water and land so that water doesn't erode the banks.

Mr. Roser testified that there is an approved NRI/FSD and a preliminary forest conservation plan. T. 89-91. The forest conservation will be accomplished either through payment of a fee-in-lieu or an off-site land bank. T. 91. Finally, Mr. Roser testified that the development would be served by adequate facilities and that the proposed development by its design and other means would tend to prevent erosion, preserve vegetation on the site and satisfy applicable forest conservation requirements.

4. Ms. Victoria Bryant: Ms. Victoria Bryant, a landscape architect, qualified as an expert in land planning and landscape architecture. She prepared a land planning report for the project. T. 98. She also developed the streetscape, interior courtyard and general landscape architecture for the project. T. 97-98.

She identified the area surrounding the property. She testified that the site is adjacent to Georgia Avenue just southeast of Westfield Wheaton Shopping Center. T. 98. The shopping center is zoned C-2 and has several pad sites in the parking lot. These

are developable sites that are within a shopping center. T.99. Bally's Fitness is a pad site directly north of the subject property. Wheaton Metro Center, zoned CBD-2, is directly north of the subject property. Continuing from the northwest clockwise around the surrounding neighborhood, the Archstone Wheaton Apartments is a six-story apartment building with town homes along the back of the property. It is zoned CBD-3. It has a flat roof with a façade of bricks and hardi-plank, which is proposed for the subject property. T.98-100. Confronting the property directly to the east across Georgia Avenue is an auto dealership and retail that currently houses a Best Buy, which are both one to two-story structures. T. 101. These properties are zoned C-2. To the south of the C-2 retail is another similar commercial use, a residential structure, and then a five-story apartment building along Georgia Avenue to the south of the site. T.101. Between the subject property and the five-story apartment buildings are two-story town homes that are zoned RT 12.15. T. 101. Continuing clockwise, the Stephen Knolls Elementary School is to the southwest and a PD-9 town home community is to the west of the subject property. Single-family homes, with a few town homes mixed in that are zoned R-60 and PD-9 are located to the west of the property. T. 102-103.

Ms. Bryant agreed with Technical Staff's delineation of the neighborhood, which is slightly larger than she had initially described it so as to include the entire sector plan area. T. 105. She stated that the application met the intent requirement of the TS-R zone because the multi-family residential projects already existed to the south and north of the property and the property was located 1,100 feet from a Metro station. T. 114.

The application met the purposes of the TS-R zone as well. She paraphrased one of the purposes of the TS-R as providing "density-appropriate affordable residential uses

that permit the effective use of transit station development, innovative design and enhances the diversity of the area.” T. 114. She stated that the property was serviced by Metro bus and Ride-On. The proposed densities would provide a transition between the existing land uses to the south and what is proposed and existing to the north. T. 114-115.

She testified that the 1990 Wheaton Central Business District and Vicinity Sector Plan had never come to fruition. Had it been built, she believed that there would have been much higher and denser development to the north of the property, because that was the intent of the Sector Plan. T. 115. Given this trend, she believed that the R-60 zoning for the subject property was retained because of the existence of the church on the property. She believed that the planners did not wish to make that use non-conforming by rezoning it to TS-R. According to Ms. Bryant, this is supported by the fact that two properties confronting the subject property on the east side of Georgia Avenue are recommended for TS-R which, she believed, was to provide a transition to the higher density CBD. T. 120. From a planning perspective, it is desirable to create a land use plan having a “tent effect”, where the highest and most intense uses are in the core, which then slopes down in height and intensity from that point. She stated that both sides of Georgia Avenue normally would have been recommended for TS-R in order to create a balanced or “bookend” effect for the transition to the Wheaton area. T. 123. She testified that residential projects with higher densities than R-60 were located further south of the site. This reinforces the probability that the R-60 zone for this property was retained in the 1990 Sector Plan because of the existing use of the property. T. 124.

Ms. Bryant testified that a draft amendment to the Sector Plan that is currently pending. The draft Sector Plan recommends CR-4 zoning for this property. The CR-4 zone is a Euclidean zone that must be applied by comprehensive map amendment. It permits a maximum 4.0 FAR on the property, of which 3.5 FAR may be commercial and 3.5 FAR may be residential. T. 130-131. There is a 100-foot maximum height limit. As a result, this project could be developed under the CR-4 zone as it falls within those parameters. T. 127-131.

Ms. Bryant testified that the draft Sector Plan amendment implements the planning principles that the 1990 Sector Plan was attempting to achieve. Under the draft Sector Plan, the densest and highest land uses were north of the property abutting Viers Mill Road. The height and density then scale down as development moves to the south. The subject property has 100-foot height limit, the Bally's site has 150-foot height limit and there is a 250-foot height limit in the core surrounding the Metro. The CR-4 zone is also recommended for the confronting properties on the east side of Georgia. Thus, the draft Sector Plan implements both the "tent effect" and the "bookend" principal upon which she believed the existing Sector Plan had been based. T. 132.

5. Mr. Edward Papazian: Mr. Papazian qualified as an expert in transportation planning and traffic engineering. T. 141. He prepared the traffic report analyzing the development's compliance with both Policy Area Mobility Review (PAMR) and Local Area Transportation Review (LATR). T. 142. For LATR, Technical Staff advised him to study the intersections of Georgia Avenue and Viers Mill Road, Georgia Avenue and Wyndham Lane, Georgia Avenue and Reddie Drive, Viers Mill Road and the mall entrance, and Georgia Avenue and the site driveway. T. 142.

The site is well-served by roadways, by transit and by pedestrian paths. The Metro station, as described before, is within less than a quarter mile north of the property. There are Metro bus and Ride-on bus routes that operate in the area, with bus stops immediately adjacent to the property, leading up to the Metro station. T. 143. There are sidewalks along both sides of the streets that surround the property. The applicant proposes to upgrade significantly the sidewalk along Georgia Avenue from its current five-foot width to a 14-foot width to further enhance the pedestrian access in the area, and to and from the site itself. T. 143.

Mr. Papazian also testified that the area is well served not just for transit, but also for pedestrian safety. T. 143. The area intersections have the requisite cross-walks, pedestrian signal indications, and handicapped ramps. T. 143.

The applicant's traffic study applied the PAMR and LATR standards for 221 units. T. 143-144. The 245-unit development represented an approximate 11% increase in number of units. From a traffic engineering perspective, there would be an equivalent straight line increase in trips for each intersection. This would result in a total count of approximately 83 to 84 trips in the a.m. peak hour (an increase of approximately seven or eight trips) and approximately 95 to 97 trips in the p.m. peak hour, an increase of about 11 percent than indicated for the 221 residential units. T. 146-147. Because the critical lane volumes for the 221 units were already well under the standard, the increase to 245 units would still meet LATR standards. T. 147-148.

With regard to PAMR, Mr. Papazian testified that there is a credit against the required mitigation for projects within Metro station policy areas. T. 149. With the

application of this credit, the project can meet PAMR mitigation standards. The project would also conform to the PAMR standards if increased to 245 units. T. 149.

The vehicle circulation on the site consists of a right turn in and right turn out driveway along Georgia Avenue. Given the modest volume of traffic, this will operate in a safe and efficient manner. It will be designed in accordance with Maryland State Highway Administration standards in consultation with the Planning Board transportation staff and the County's Department of Transportation. T. 150. The applicant is investigating the possibility providing a "lay-by lane" which is a cut out along the curb line along Georgia Avenue. This would provide a refuge for pickup, drop-off and for very short duration stops. It could also serve as a location that is convenient handy for emergency vehicles. T. 150. The possibility of providing a lay-by lane is being reviewed by the Maryland State Highway Administration and would be resolved further into the development process. T. 150.

Mr. Papazian testified that on-site circulation is safe and adequate. The driveway grade at the entrance is flat and the building is setback from the sidewalk so that there will be more than adequate sight distance. T. 151. This will prevent a situation where drivers exiting the property are coming up a steep ramp and suddenly come to the sidewalk without sufficient opportunity to see pedestrians. T. 151. Because the driveway is spaced between the entrance and the sidewalk, when the drivers reach the sidewalk there will be sufficient time to see pedestrians. In addition, the sidewalk is not immediately adjacent to the edge of the building. Because of these features, there will be sufficient time and distance for drivers and pedestrians to see each other. T. 153. In addition, the pavement treatment is such that the drivers will know that they are reaching

a sidewalk area, and it is not the typical standard concrete treatment. The Montgomery County Department of Transportation (MCDOT) found that the project would satisfy PAMR and LATR. It found that, while the pedestrian impact was not sufficient, that aspect could be addressed at the preliminary plan stage. T. 152.

Mr. Papazian testified that inclusion of commercial uses in the development would have a negligible impact on LATR because the critical lane volume was significantly (approximately 600 trips) below the standard at the minimum. The negligible increase would have little impact on any one intersection. T. 155.

Mr. Papazian acknowledged that commercial uses could have a significant impact on parking. T. 155. With regard to this, he stated:

Obviously, that's a parking -- the parking would be another factor that would have to come into play. That would demand a little bit more parking. And that's a strategy, something that needs to be considered. Now, one of the things to be thought about, in terms of the residential units is, there is a trade-off between the sizes of the units and the numbers of parking spaces that need to be accommodated, and the nature of the possible nonresidential use and the parking demands of that use. So this is something that would need to be looked at, and obviously would be looked at in subsequent phases of the project as this goes forward. T. 155.

He also stated that parking deficiencies could be addressed by paying a parking district tax on the commercial portion of the property. T. 156.