IN THE MONTGOMERY COUNTY, MARYLAND
OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE APPLICATION OF	*	
1784 CAPITAL HOLDINGS, LLC	*	Case No. CU-19-03
FOR A SELF STORAGE CONDITIONAL USE	*	

REVISED STATEMENT OF 1784 CAPITAL HOLDINGS, LLC
IN SUPPORT OF APPLICATION FOR CONDITIONAL USE

(July 2019)

Petitioner, 1784 Capital Holdings, LLC ("1784"), by its attorneys, Linowes and Blocher LLP, submits this Statement in Support of Conditional Use Application (the "Application") to demonstrate conformance of the proposed self storage conditional use (the "Conditional Use") with all applicable review requirements and criteria. The property that is the subject of this Application is comprised of approximately 1.07 gross acres of land located at 10619 Connecticut Avenue in Kensington, as highlighted on the tax map attached as Exhibit "A". The Property is more formally identified as Part of Parcel 2, as shown on Plat No. 24 (the "Property"). The Property is located in the CRT 2.5 C 2.0 R 2.0 H 75 (Commercial Residential Town) Zone, as indicated on the Certified Zoning Map included with the Application. The standards and specifications of the CRT Zone are outlined in Section 59.4.5 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance"). In accordance with Section 59.3.1.6 of the Zoning Ordinance, the operation of a self storage facility is permitted in the CRT Zone with the grant of a conditional use.

1784's Application proposes to construct up to approximately 77,185 square feet of self storage uses[1], approximately 6,337 square feet of ground floor restaurant space, and approximately 8,141 square feet of second floor artist studio space on the Property. The maximum height of the proposed building is 75 feet and the Application proposes 58 parking spaces and two loading spaces in connection with the proposed use (collectively, the "Project").

I. BACKGROUND

The Property is currently improved with a vacant gas and service station and surface parking area. Immediately to the east of the Property is a strip commercial building containing a 7-11 convenience store and Baskin Robbins ice cream shop. To the south of the Property are the MARC rail tracks and, over the tracks, a Safeway grocery store and associated surface parking. To the west of the Property, across Connecticut Avenue, is the Kensington Gas Station and the Kensington Volunteer Fire Department. To the north of the Property, across Plyers Mill Road is a Mobile gas station.

The Petitioner, 1784 Capital Holdings, LLC, has been constructing quality self-storage facilities throughout the United States since 2013. By fulfilling the proven demand for state-of-the-art, Class A self-storage with esthetically pleasing buildings that blend into and enhance their surroundings. 1784 Capital Holdings is committed to becoming a positive, active part of every community it serves.

II. PROPOSED IMPROVEMENTS

The Conditional Use Site Plan included with the Application (the "Site Plan") provides a detailed overview of the Project. As indicated on the Site Plan, the Project includes one mixed-

[1] The Application also proposes an additional approximately 49,770 square feet of self storage below grade in two cellar levels, which area is excluded from the building's gross floor area per the Zoning Ordinance.

use building, with up to approximately 77,185 square feet of self storage, approximately 6,337 square feet of ground floor restaurant space, and approximately 8,141 square feet of second floor artist studio space, with a maximum height of 75 feet. This building will incorporate energy efficient and environmentally friendly design elements such that the Applicant anticipates achieving LEED certification.

The Project also features significant public open space at the corner of Connecticut Avenue and Plyers Mill Road. As shown on the Landscape Plan included with the Application, this area will be approximately 4,977 square feet in area and will feature signature plantings, including a small grove of birch trees, movable seating, low seat walls, and attractive pavers.

The Project proposes direct access to the Property through an existing driveway and curb cut on Connecticut Avenue that will function as a right in, right out access point, and a shared access through the adjacent commercial property to an existing curb cut on Metropolitan Avenue providing full movements for vehicles. The traffic generated by the Project will be limited and result in fewer than 50 peak hour person trips, as illustrated by the Traffic Statement included in the Application.

III. PROPOSED OPERATIONS

The rental office at the self storage component of the Project is anticipated to be open from 8 a.m. to 6 p.m., 7 days a week. The facility will be closed on all Federal holidays. Self storage customers will have access to their units between the hours of 6 am and 10 pm, with access being controlled through a secured keypad access system. Two employee(s) will be on-site at a given time.

IV. MASTER PLAN CONFORMANCE

The Property lies within the boundaries of the Kensington Sector Plan, approved and adopted in May 2012 (the "Sector Plan"), relevant excerpts of which are included with the Application. The Sector Plan identifies the Property as the "TC-5 Huggins property" and recommends the current zoning. Sector Plan, p. 27. In accordance with the Sector Plan, the Montgomery County Planning Board adopted the Kensington Sector Plan Design Guidelines in March 2013 ("Design Guidelines") that are also applicable to the Project. The Project substantially conforms to the Sector Plan and Design Guidelines as outlined below:

- *Kensington's Town Center will be a lively and active place with streets that are welcoming and comfortable for residents, workers, and visitors. It will be reachable by walking and bicycle from Kensington's neighborhoods, which can reduce vehicle miles travelled, conserve energy, and reduce carbon emissions.* (Sector Plan, p. 1)

The Project will revitalize a prominent corner lot that is vacant and underutilized with active ground-floor restaurant space and second floor artists' studios and gallery space. The artists' studio and gallery space is anticipated to be run by an established and well-respected arts organization, which not only provides space for artists to work, but also engages the community through various events and classes. This artists' studio and gallery space, along with ground-floor the restaurant, will serve to enliven the corner and transform it into a destination for residents, workers, and visitors alike. In addition to the active uses proposed, the Application will include significant streetscape improvements, including new sidewalks and bike lanes, along the Property's frontage that will facilitate and encourage walking and bicycle usage, as well as significant public open space along Connecticut Avenue and Plyers Mill Road that will create a pedestrian friendly and inviting environment for area residents, workers and visitors.

- *Redefining public spaces for people and creating sidewalks through smart design of buildings and the spaces around them.* (Sector Plan, p. 1)

The existing streetscape along the Property's Connecticut Avenue and Plyers Mill Road frontages does not allow for a high quality pedestrian experience. The Project will significantly improve upon the existing conditions with streetscape improvements that will create safe and efficient pedestrian connectivity opportunities. The design of the proposed building will be set back from the sidewalk and substantial public open space will be provided at the corner to create an inviting and activated environment to support the ground-floor restaurant use proposed for the Property.

- *Defining new public spaces that will exemplify the unique scale and character of Kensington.* (Sector Plan, p. 1)

The addition of public open space and pedestrian friendly streetscape improvements at the prominent intersection of Plyers Mill Road and Connecticut Avenue will provide a valuable public benefit within the Town Center district. The Project accommodates the Sector Plan's vision for "a reinvigorated, pedestrian-oriented, and safe mixed-use Town Center that respects and builds on Kensington's historic character and modest-scale, with active streets, new public spaces, well-designed buildings, and enhanced streetscape." (Sector Plan, p. 9).

- *Implementing effective environmental practices that will inspire current residents and future generations to become stewards of the environment.* (Sector Plan, p. 1)

The Project's addition of street trees, landscape features, and stormwater management facilities will enhance the environmental condition of the Property and significantly improve upon current conditions on the Property. More specifically, the Project's design will exceed the required building insulation levels, incorporate low "e" double pane glazing, light colored roofing materials to minimize heat island effects, LED lighting throughout the building with

motion sensor technology to reduce energy consumption, and low flow water fixtures to reduce water consumption.

- *Orient buildings to the sidewalk with display windows and entrances.* (Sector Plan, p. 10)

The Project incorporates street-activating ground floor restaurant space with display windows and entrances along both Connecticut Avenue and Plyers Mill Road. The second floor artists' studios will have display windows that will also be visible from Connecticut Avenue and Plyers Mill Road.

- *Encourage pedestrian-level ornamentation, signage, and architectural details.* (Sector Plan, p. 10)

The urban design and location of the ground floor restaurant use and community plaza will encourage pedestrian interaction between the Project and public realm. The use of benches, seat walls, moveable furniture and enhanced landscaping throughout the plaza will provide for an enhanced pedestrian experience. The building design aids in creating an engaging pedestrian realm through the placement of the first floor restaurant space in front of the second floor artists' studio space, which allows for the mass of the building to be setback while also providing a patio within the second floor setback. The base of the building also has design elements to reduce the overall scale, including storefront glazing, entry sconce lighting, a raised patio area and building materials that transition.

- *Minimize curb cuts to reduce conflicts between pedestrians and vehicles.* (Sector Plan, p. 10)

The Property currently includes two curb cuts on Connecticut Avenue and one curb cut on Plyers Mill Road. The Application proposes elimination of one of the curb cuts on Connecticut Avenue, as well as the only existing curb cut on Plyers Mill Road such that direct vehicular access will be provided through one consolidated curb cut on Connecticut Avenue.

Secondary access will be provided to Metropolitan Avenue through an existing curb cut on the adjacent property. The elimination of two of the three existing curb cuts, and the creation of no new cuts, will reduce conflicts between pedestrians and vehicles.

- *Provide street trees and furniture to improve aesthetics and functionality for pedestrians.* (Sector Plan, p. 10)

The Application will incorporate pedestrian friendly sidewalks with street trees that are adjacent to the on-site public open space proposed. The combination of improved streetscapes and public open space with flexible seating will significantly enhance the aesthetic and functional experience of this area for pedestrians.

- *Provide adequate parking for proposed land uses while using strategies to reduce demand, consolidate supply, and use space efficiently. Minimize the visual impact of parking facilities and encourage on-street parking.* (Sector Plan, p. 10)

The Project includes a total of 58 parking spaces, which significantly exceeds the minimum parking required under Section 59.6.2.4.B of the Zoning Ordinance. The parking will be located to the rear of the proposed building to minimize the visual impact of surface parking from Connecticut Avenue and Plyers Mill Road.

- *The Town Center is envisioned as a walkable attractive place with local convenience retail, housing, dining and entertainment, offices, and neighborhood services in a compact development pattern with a variety of buildings along Connecticut Avenue.* (Sector Plan, p. 21)

The Application will help to transform an underutilized site in the Town Center district into a walkable, mixed-use environment with active ground-floor restaurant space and second floor artists' studio and gallery space, in addition to the self storage component. This unique combination of uses will provide dining options for the surrounding community, work space for artists, gallery space for entertainment and for patrons, gathering space for events, and storage space for area residents, all in one location. The design of the Project therefore allows for a compact development pattern that also adds a new type of building form to Connecticut Avenue.

- *Buildings along Town Center streets should be set back 15 to 25 feet from the curb to provide adequate space for sidewalks separated from traffic by green panel or trees.* (Sector Plan, p. 21)

The design of the Project allows for the building face to be setback a minimum of 20 feet from edge of curb. In addition to the provision of enhanced streetscapes along both Connecticut Avenue and Plyers Mill Road, the Application incorporates approximately 4,977 square feet of public open space in the form of a community plaza at this intersection. Both of these design features, in combination with the building setback, ensure that there is adequate space for sidewalks and public open space that is separated from the vehicular travel lanes on Connecticut Avenue and Plyers Mill Road.

- *This Plan recommends taller buildings in the "core" of the Town Center – Connecticut Avenue, Knowles Avenue, and Plyers Mill Road.* (Sector Plan, p. 21)

The Application allows for development of a 75-foot tall building in the core of the Town Center district along Connecticut Avenue and Plyers Mill Road, which is consistent with the Sector Plan vision.

- *For all optional method projects and standard method projects with site plan, the Planning Board must carefully analyze the proposal's building height, bulk, scale, setbacks, relationship to street, massing, façade articulation, and relationship to surrounding properties to ensure compatibility.* (Sector Plan, p. 21)

The Project incorporates building massing and design that is compatible with the surrounding neighborhood and Sector Plan vision for the Property. Placing the tallest buildings along Connecticut Avenue and Plyers Mill Road is entirely consistent with the Sector Plan recommendations for the Town Center district. The Project's relationship to the street will create a high quality pedestrian realm through enhanced streetscape improvements, building setbacks, active ground floor restaurant space, and substantial public open space in the form of a community plaza. The proposed step-back of the building also helps to emphasize the retail and

pedestrian realm, while downplaying the proposed self-storage use behind. A strong delineation of the body of the building is achieved through the use of color and material variation. The architectural design of the building includes brick, painted EIFS, metal paneling and glazing as high quality finishes that will elevate the architectural interest of the area. All four sides of the building contain these elements, such that they will create architectural interest from any viewpoint, either on site or from adjacent streets

The consolidation of three existing curb cuts down to one proposed curb cut will also minimize pedestrian and vehicular conflicts. The vehicular access and parking design includes a connection to the adjacent property to the west such that vehicles can access both Connecticut Avenue and Metropolitan Avenue.

- *Goal: Enhance Connecticut Avenue and University Boulevard West to provide better safety and function for all modes of transportation.* (Sector Plan, p. 21)

The consolidation of curb cuts along the Property's frontages will provide for better safety and operations for vehicles, bicycles and pedestrians along Connecticut Avenue. The dedication of additional right-of-way on Connecticut Avenue and associated streetscape improvements, including a new bike lane, will allow for safe and efficient pedestrian and bicycle circulation patterns through the Town Center district.

- *Provide landscape improvements including street trees and green medians that enhance appearance and contribute to stormwater management.* (Sector Plan, p. 24)

The proposed streetscape improvements on Connecticut Avenue and Plyers Mill Road will include street trees and landscape elements that enhance the green features in the Town Center district.

- *Provide gathering spaces with high visibility along Connecticut Avenue and near the train station.* (Sector Plan, p. 24)

The Application includes a community plaza with approximately 4,977 square feet of public open space along Connecticut Avenue that is adjacent to proposed ground-floor restaurant space, as well as a raised patio area above the restaurant space that is anticipated to be used and programmed by the artist studio and gallery tenant. These areas will be an amenity for this area of Kensington, and have high visibility along Connecticut Avenue.

- *TC-5 Huggins property. Any development should include street-level shops on Connecticut Avenue and Plyers Mill Road. Parking facilities for this property should be to the rear, with access from Plyers Mill Road.* (Sector Plan, p. 27)

The Project will include ground-floor restaurant space on Connecticut Avenue and Plyers Mill Road in accordance with the Sector Plan. Additionally, all parking proposed by the Application is located to the rear of the Property, such that a majority of the spaces are screened from the adjacent rights-of-way. For efficient circulation purposes, vehicular access to the Property is proposed from a single curb cut along Connecticut Avenue, as well as access through the adjacent property to Metropolitan Avenue. Access from Plyers Mill Road was determined not to be desirable, both from a safety standpoint, given the proximity of such access to both the Connecticut Avenue and Metropolitan Avenue intersections and the right-in, right-out limitations of such access due to the existing median, and through consultation with the Town of Kensington, who preferred access from Metropolitan Avenue.

- *For Kensington, these categories and public benefits are important to successful revitalization: streetscape to enhance the public realm ... small business opportunities throughout the Town's business districts ... public open space for community gatherings ... exceptional design that is sympathetic to its context ....* (Sector Plan, p. 42)

The Project will incorporate a number of the priority public benefit categories that are necessary to achieve the incentive density requested under the CRT Zone. The Application

proposes streetscape improvements along both Connecticut Avenue and Plyers Mill Road that will significantly improve pedestrian circulation in the Town Center district. The inclusion of ground-floor restaurant space and second floor artists' studio spaces will allow for small business opportunities in the diversity of uses and activities category. The Project also includes substantial public open space in the proposed community plaza, as discussed above. Finally, the building massing and architecture will achieve public benefit points for exceptional design, all in conformance with the goals and objectives of the Sector Plan.

- *Retail and other commercial activities are appropriate and strongly encouraged throughout the Town Center, but they are especially desirable on these priority retail streets.* (Sector Plan, p. 42)

The Property's frontages on Connecticut Avenue and Plyers Mill Road are identified as desired retail frontages per Map 10 of the Sector Plan. The Application is in substantial conformance with this recommendation through the provision of approximately 6,337 square feet of ground floor restaurant space and 8,141 square feet of second floor artists' studio and gallery space along these frontages. These uses will, in tandem, transform the Property from its current underutilized and vacant state to a destination within the Town Center for residents and visitors alike.

- *New and revitalization projects on priority retail streets must pay particular attention to the street-oriented development guidelines put forth in this Plan and the accompanying design guidelines.* (Sector Plan, p. 42)

The revitalization of this underutilized Property with street activating restaurant space and public open space is consistent with the Design Guidelines. As noted in greater detail below, the Project is consistent with the Design Guidelines' objective of enhancing pedestrian connections and encouraging pedestrian-oriented development.

- *Guideline: Provide new, predominantly green open spaces to reinforce the garden suburb theme in Kensington's layout.* (Design Guidelines, p. 11)

The Project's inclusion of approximately 10,200 square feet of public open space (including the 4,977 square-foot community plaza) and streetscape improvements will allow for increased tree canopy along Connecticut Avenue and Plyers Mill Road. The design of the open space with signature plantings and seating areas within landscaped areas will also achieve the Guidelines' vision for additional green space within a garden suburb theme there.

- *Objective: Create a high-quality pedestrian network. Guideline: Provide direct and safe routes for pedestrian travel.* (Design Guidelines, p. 14)

The Application includes substantial upgrades to the streetscapes along both Connecticut Avenue and Plyers Mill Road. Wide pedestrian friendly sidewalks are proposed with street trees and landscaping adjacent to a community plaza, which will provide a comfortable buffer from the vehicular travel lanes.

- *Guideline: Incorporate amenities and visual interest for pedestrians.* (Design Guidelines, p. 17)

The Project incorporates street activating restaurant space and second floor artists' studios on Connecticut Avenue and Plyers Mill Road, which will help to create a lively and active Town Center district. Outdoor seating within the community plaza and programmed space on the raised patio, along with signature plantings will provide amenities and visual interest for both residents of the area and visitors to the Project.

- *Guideline: Maintain a line of building facades and storefronts to define the sidewalk edge. Avoid excessive setbacks, but small setbacks to match existing, adjoining buildings may be appropriate.* (Design Guidelines, p. 17)

The Project creates a build-to-line consistent with the Property's location and adjacency to two major rights-of-way that will define a strong street edge activated by ground-floor retail and artists' studios and frames the new community open space.

- *Objective: Create a variety of public open spaces.* (Design Guidelines, p. 22)

The Design Guidelines note that the Sector Plan "seeks to create a system of parks and open spaces linked by bikeways and sidewalks to meet the increasing demand for outdoor gathering space," and that "the location and design of open space should support community interactions and economic vitality" in the Town Center district. (Design Guidelines, p. 22) The proposed community plaza for the Project would be linked by improved streetscapes and new bicycle lanes on Connecticut Avenue and Plyers Mill Road. The location and design of this proposed community plaza would support community interactions, landscaped areas and pockets of seating further activated by adjacent ground floor restaurant use. The public open space is designed in a manner that will support the economic vitality of the restaurant and artists that locate to the Project.

- *Guideline: Public open space on private property should be accessible from the sidewalk.* (Design Guidelines, p. 22)

As noted above, the community plaza is proposed to be immediately adjacent to the enhanced sidewalks on Connecticut Avenue and Plyers Mill Road.

- *Guideline: Locate open space in areas of high visibility.* (Design Guidelines, p. 23)

The public open space is at the prominent intersection of Plyers Mill Road and Connecticut Avenue, which will provide a high degree of visibility for pedestrians, bicyclists, and vehicles in the Town Center district.

- *Guideline: Orient buildings to face the sidewalk.* (Design Guidelines, p. 26)

The Application includes a variety of entrances to the Project directly from the Connecticut Avenue and Plyers Mill Road sidewalks and adjacent community open space.

- *Guideline: For large development, vary building massing along sidewalk for visual interest.* (Design Guidelines, p. 27)

The design of the building steps back from the ground floor to emphasize the ground floor restaurant space and create the second floor raised patio, as well as to vary the building massing. The architectural design of varied window elements help break up the continuity of wall areas. Metal wall panels in varied sizing mixed with painted EIFS and brick break up each floor by providing design interest while breaking up the height and mass of the proposed building.

- *Guideline: Reduce the visual impact of parking structures. (Design Guidelines, p. 28)*

While the Project does not propose any structured parking, the surface parking proposed is located to the rear of the building, minimizing any visual impacts of the surface parking on adjacent areas.

- *Guideline: Reduce the visual impact of gas stations.* (Design Guidelines, p. 29)

The Project will allow for elimination of an outdated and deteriorating vehicle gas station and service garage that has negative visual impacts on the area with a new, attractive mixed-use development that includes significant public amenities, including new streetscapes and a community plaza.

V. CONDITIONS OF APPROVAL

Pursuant to the applicable conditions and standards of Section 59.7.3.1.E of the Zoning Ordinance, to approve a conditional use application, the Hearing Examiner must find that the proposed development:

(1) *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

The Property has been the subject of two Map Amendments. G-914, approved by County Council Resolution No. 17-570 in 2012, implemented the recommendations of the Kensington

Sector Plan by converting the previous C-2 zoning for the Property to the Property's current zone. District Map Amendment G-956, approved in 2014, affirmed the Property's zoning as part of the County-wide rezoning effort associated with the adoption of the 2014 Zoning Ordinance. Neither map amendment contained any binding elements applicable to the Property, and the Application is in accordance with the zoning applied by both.

(2) *satisfies the requirements of the zone, use standards under Article 59.3, and applicable general requirements under Article 59.6;*

Requirements of CRT Zone

Self Storage is permitted as a conditional use in the CRT zone and the proposed development conforms to the applicable requirements of the CRT zone, as shown on the data table of the Conditional Use Plan.

Requirements of Article 59.3

Section 59.3.6.8.D.2.b of the Zoning Ordinance does not contain any development standards particular to a self-storage conditional use, but rather states that, where allowed as a conditional use, self storage "may be permitted by the Hearing Examiner under Section 7.3.1., Conditional Use." Therefore, not further evaluation under the standards of Article 59.3. is required.

Requirements of Article 59.6

The Application meets all applicable requirements of Article 59.6 of the Zoning Ordinance with regard to vehicular parking, loading, landscaping and screening, and lighting as shown on the site, landscape, and lighting plans and associated data tables included with the Application.

(3) *substantially conforms with the recommendations of the applicable master plan;*

As outlined in Section IV above, the Application substantially conforms to the goals and objectives of the Sector Plan and associated Design Guidelines.

(4) *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

As discussed above, the area surrounding the Property primarily consists of commercial uses. The restaurant base, second floor artists' studio and gallery space, and careful design and material selection of the building convey more of a commercial or residential appearance than a typical industrial self storage facility, creating a harmonious relationship with the adjacent commercial uses. The traffic and parking impacts associated with the use are minimal and will not alter the character of the surrounding area.

(5) *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of the area;*

All properties adjacent to and confronting the Property are within the commercial residential zones rather than strictly residential zones, and are not improved with residential uses. The proposed conditional use will therefore not alter a residential area in any respect.

(6) *will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

(i) [N/A]

(ii) if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools,

police and fire protection, water, sanitary sewer, public roads, and storm drainage.

The Project will be the subject of a preliminary plan application following the instant Application. Therefore, adequate public facilities will be tested at that time. Regardless, adequate water, sanitary sewer and storm drainage facilities exist to serve the Project. Additionally, as reviewed in the Traffic Statement, traffic generated by the Project will be minimal and below the threshold for a Traffic Study under applicable guidelines. School adequacy is not affected by the Conditional Use. The Property is adequately served by the Kensington Volunteer Fire Department, located across Connecticut Avenue from the Property, as well as the District 2 Police Station in Bethesda.

(7) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

The physical and operational characteristics inherent to a self-storage facility are (1) large buildings; (2) parking areas; (3) lighting for the building and parking areas; (4) vehicular trips to and from the site by employees, customers, and trash pick-up; (5) noise associated with the loading and unloading of materials and garbage pick-up and generated by equipment for the facility. There are no non-inherent adverse effects that, standing alone or in combination with an inherent adverse effect, would cause any undue harm to the neighborhood.

(a) the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;

The Project is suitable for the Property and is carefully designed to be sensitive to the Project's prominent location and the surrounding uses. As discussed above, the architecture of the proposed building significantly enhances the aesthetics of the Property and the proposed

improvements would provide additional plantings and significant gathering space for the community. All of these improvements protect and preserve, if not enhance, the use, peaceful enjoyment, economic value, and development of abutting and confronting properties and the general neighborhood.

(b) *traffic, noise, odors, dust, illumination, or lack of parking; or*

The Project will cause no objectionable traffic, noise, odors, dust or illumination impacts on the adjacent neighborhood. As previously stated, traffic to and from the site will be minimal given the nature of the use. Adequate parking is proposed for the uses within the Project. Lighting will be directional and will not cause any spillage or glare. Loading and unloading will occur internal to the building in enclosed loading spaces, eliminating noise or dust impact on adjacent properties. The proposed trash enclosure is only used by the manager of the storage facility which will generate very little trash. The trash enclosure will also be used by the restaurant and artists' studio tenants. The proposed generator is a back-up generator only for the proposed wine storage. The generator will only kick on if the power goes out.

(c) *the health, safety, or welfare of neighboring residents, visitors, or employees.*

As noted above, the incorporation of significant new plantings and community open space at this prominent corner, as well as the implementation of new streetscape improvements and bicycle lanes significantly enhancing pedestrian and bicycle circulation in the area, will promote the health, safety and welfare of the area.

(8) *Any structure to be constructed, reconstructed or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

As reviewed above, the Property is not located in a residential area.

VII. EXHIBITS

In accordance with the requirements set forth in Section 59.7.3.1.B of the Zoning Ordinance, the following is included as part of the Application:

(1) Completed Conditional Use Application

(2) Montgomery County Tax Map showing the Property (Exhibit "A")

(3) Letter of Authorization from Property Owner authorizing 1784 Capital Holdings, LLC to file the Application (Exhibit "B")

(4) State Department of Assessments and Taxation Record for the Property

(5) A copy of Record Plat No. 24

(6) Certified Zoning Map of the Property

(7) Conditional Use Site Plan and Details prepared by Bohler Engineering

(8) Exterior Elevations and Renderings prepared by RKAA Architects, Inc.

(9) Traffic Statement Prepared by Lenhart Consulting

(10) Applicable Sections of the Approved and Adopted Kensington Sector Plan (2012)

(11) Landscape Plan and Details prepared by LandDesign

(12) Proposed Site Lighting Plans, Details, and Photometrics prepared by Bohler Engineering

(13) Existing Features Map prepared by Bohler Engineering

(14) Existing Conditions Plan prepared by Bohler Engineering

(15) Forest Conservation Exemption Letter

(16) Concept Stormwater Management Plan prepared by Bohler Engineering

(17) Council Resolution Nos. 17-570 and 17-1166

(18) List of Adjoining and Confronting Property Owners and Local Citizens Associations

(19) Resumes of Consultants

We anticipate having the following witnesses appear at the public hearing:

(a) Shane Albers, the Chairman and Chief Executive Officer of 1784 Capital Holdings, LLC, and/or another representative of 1784 will testify with respect to the operational characteristics of the proposed use.

(b) Michelle Bach will testify as an expert in architecture. A copy of Ms. Bach's resume is included with the Application. Ms. Bach will address the design, scale and bulk of the physical improvements and the architectural compatibility of the proposed improvements with the existing surrounding neighborhood.

(c) Matt Clark will testify as an expert in landscape architecture. A copy of Mr. Clark's resume is included with the Application. Mr. Clark will address the landscaping and design of the open space proposed in the Application and its compatibility with the surrounding area and will also address conformance of the Application with the Sector Plan and the Montgomery County Zoning Ordinance.

(d) Brad Fox will testify as an expert in civil engineering. A copy of Mr. Fox's resume is included with the Application. Mr. Fox will address engineering matters related to the Application, including utility adequacy and design, stormwater management, site drainage, site access and the effect the Application will have on adjacent properties and the surrounding community.

(e) Nick Dribin will testify as an expert in transportation planning/ engineering concerning the transportation impacts of the Application. A copy of Mr. Dribin's

resume is included with the Application. His conclusion that the Conditional Use will have a minimal impact on area traffic is included in the Traffic Statement included with the Application.

(f) Patrick Phillips will testify as an expert in Real Estate Economics and Urban Planning and Development. A copy of Mr. Phillips' resume is included with the Application. Mr. Phillips will testify regarding the compliance of the Project with the goals and recommendations of the Sector Plan and will rebut issues within his areas of expertise that are expected to be raised in the Park and Planning Staff Report.

In addition to the foregoing, 1784 reserves the right to call additional witnesses and submit such other reports and exhibits as it deems necessary.

Petitioner anticipates it will take approximately two hours to present its case-in-chief.

Respectfully submitted,

LINOWES AND BLOCHER LLP

By: Erin E. Girard

Erin E. Girard

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Bethesda, Maryland 20814
(301) 961-5153
Attorney for Applicant

TAX MAP

Exhibit "A"

September 20, 2018

Letter of Authorization

I, Michael I. Sanders, as an authorized agent of Mountain View Burleson, LLC (the "Owner"), the owner of the property located at 10619 Connecticut Avenue, Kensington, Maryland, more formally known as Part of Parcel 2 shown on Plat No. 24, (Tax Account No. 13-0102136) (the "Property"), hereby affirm that 1784 Capital Holdings, LLC, the contract purchaser of the Property, is authorized to sign for, file, and pursue any and all plans needed for approval of a conditional use application for a self-storage facility on the Property.

Sincerely,

Mountain View Burleson, LLC
DNA Management Company, Inc.,
General Partner

By: _____
Michael I. Sanders