

**MONTGOMERY COUNTY COUNCIL PUBLIC HEARING on  
GREAT SENECA SECTOR PLAN OVERLAY ZONE**

**JULY 16, 2024**

**Testimony by Françoise M. Carrier on behalf of Guardian Realty Management, Inc.**

Good evening, President Friedson and members of the Council. My name is Françoise Carrier, with the law firm of Bregman, Berbert, Schwartz & Gilday. It is my pleasure to speak tonight on behalf of Guardian Realty Management, owner of a property within the Life Sciences Center area of the draft Great Seneca Sector Plan.

As I've previously testified, Guardian fully supports the vision of the draft plan and is in agreement with the zoning and density recommended for its property. I'm here to discuss concerns related to a provision of the proposed overlay that prohibits surface parking between a building and any street. This provision promotes the urban design goal of making the built environment more friendly and comfortable for pedestrians. That same goal is reflected in language in the draft sector plan that calls for garages that are not visible from pedestrian areas, or are lined with building uses or screened if they are visible from streets or public open spaces. For many properties, these goals are readily achievable by careful location of buildings, parking and internal roadways. The same goals are much more difficult to meet for a small property like Guardian's with multiple road frontages.

*Guardian's Property Shown Below*



At 2.7 acres, Guardian's property is one of the smallest in the Life Sciences Center area. It borders major roads on two sides. On a third side, its property line is separated from a master-

planned road by a strip of land where Guardian has the right to build through an easement. As a result, Guardian’s potential redevelopment site borders a third potential road. The Overlay Zone’s prohibition on parking between a building and a road effectively means this site can’t have any surface parking, even if a new building is going to include uses that would benefit from a small number of surface parking spaces for ADA compliance, like medical office. In addition, the cost of relying entirely on structured parking will significantly increase a project budget, making it less likely that redevelopment will be financially viable – especially where it would require tearing down an existing, functional office building.

Guardian has suggested a change in the Overlay Zone language that would give the Planning Board the discretion to approve a limited amount of surface parking where justified. The Planning Board is accustomed to exercising discretion in connection with development approvals and can do so here to avoid setting up a disincentive to redevelopment on sites that don’t fully support this particular urban design goal. Guardian’s proposed language change is provided in my written testimony.

The language in the draft Overlay Zone is also written in a way that could potentially make many, if not most of the properties in the Life Sciences Center area non-conforming uses because they currently have parking between a building and a street. This has serious negative consequences for the use of a site and the owner’s ability to obtain financing. The Planning Board recommended adding the word “new” to clarify that the prohibition applies only to newly built surface parking. Guardian endorses this change.

Thank you very much for the opportunity to speak this afternoon.

### Proposed Changes to Overlay Zone Text

390		<u>of the procedures of 59-4.7.3.F.1.b.</u>	
391	5.	<u>Development is not subject to the parking minimums established in</u>	
392		<u>the vehicle parking spaces table under Section 59-6.2.4.B.</u>	
393	6.	<u>Surface vehicle parking is prohibited between a building and a public</u>	
394		<u>or private street</u>	
395			unless the Planning Board determines that a limited amount of surface parking between a building a street is justified by a unique site, a use characteristic, or a development constraint, such as site size, number of street frontages, grade, visibility, an existing building or structure, an easement, or a utility line.
396	<b>Section 5.9.[13]14. Montgomery</b>		