DEPARTMENT OF PERMITTING SERVICES

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County Executive

Rabbiah Sabbakhan
Director

November 13, 2026

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Chevy Chase, MD 20815

Friendship Commons Partners LLC
4800 Hampden Lane, Suite 300
Bethesda, MD 20814

Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
ozah@montgomerycountymd.gov

Re: Notice of Reasonable Cause pursuant to Section 59-7.2.1.J

On or about August 10, 2026 and October 7, 2026, Montgomery County, Maryland ("County") received two complaints submitted pursuant to the complaint procedure set forth in the County's Zoning Ordinance, Section 59-7.2.1.J. Copies of the complaints are attached hereto as Exhibits A and B, respectively. Both complaints, which are identical in nature and claims request that the Department of Permitting

Services ("DPS") find "reasonable cause" of noncompliance with binding elements. DPS is considering the two complaints together.

After review and consideration, DPS finds that the complaints demonstrate "reasonable cause" of noncompliance with binding elements created under a Development Plan accompanying Local Map Amendment Resolution No. 13-1461 dated October 13, 1998.

This notice is made pursuant to Sec. 59-7.2.1.J.1, which provides that "[i]f the complaint is found to have reasonable cause, DPS must provide notice of noncompliance to the complaining party, the property owner, and the Hearing Examiner."

Following this notice, under Section 59-7.2.1.J.2, the Hearing Examiner must schedule a show cause hearing to determine whether the property owner has failed to comply with the binding elements and whether any such failure merits sanctions.

Sincerely,

Rabbiah Sabbakhan

Rabbiah Sabbakhan
Director
Department of
PerReasonableReasonablemitting
Services

Village of Friendship Heights DPS Complaint 8-10-26

Background

This complaint is filed by the Village of Friendship Heights through Francine Klein, Vice Chair of the Village Council and Chair of the Village Advisory Committee on Development. Adjacent to the Village is the 26.5 acre property owned by GEICO, which served as its corporate headquarters from 1959 until 2025. In early 2026, GEICO entered into an agreement to sell the property to private parties seeking to demolish the headquarters building and redevelop the property. An affiliate of the buyers, Friendship Commons Partners LLC ("FCP") thereafter filed plans with the Montgomery County Planning Board ("Board") seeking approval of those plans for the proposed redevelopment. FCP described itself in its applications not as the owner of the property, but rather as the contract purchaser, and GEICO as the owner. As of today, that relationship to the property is believed to be unchanged. GEICO has not disclosed the conditions or timing of the consummation of the sale, but the Village believes that the contract is contingent on FCP's obtaining Board approval of its development plans.

For much of the 1990's, the property was zoned R-60. In 1998, GEICO sought, in a Local Map Amendment proceeding denominated LMA G-760, District Council approval for the rezoning of approximately 10 acres of the property to the TS-M floating zone in order to redevelop the property. **Exhibit 1.** District Council approval of LMA G-760 in 1998 came with a number of what is known as "Binding Elements" that constitute conditions of rezoning approval imposed on the property by the District Council. **Exhibit 2.** GEICO accepted the District Council decision, including the Binding Elements, and submitted to the Board a Preliminary Plan of Subdivision as a first step leading to approval of its redevelopment plans. That Preliminary Plan was approved by the Board in 1999, and it included, without objection from GEICO, the obligation to comply with the 1998 Binding Elements that came with the rezoning approval. **Exhibit 3.**

Thereafter, GEICO did not take the steps necessary to complete the development approval process, and GEICO continued to use the property as its corporate headquarters until its offices were relocated to Bethesda in 2025. Also in 2025, GEICO sought and obtained approval from the Board of an amended Preliminary Plan for redevelopment of the property. That Board approval, like the original

Preliminary Plan approval from 1999, required GEICO to comply with the 1998 Binding Elements. **Exhibit 4.** GEICO, as in 1999, did not oppose or otherwise challenge the continued imposition of the Binding Elements on the property, and has sought no amendment or rescission of the Binding Elements from the District Council.

In submitting its redevelopment plans to the Board, FCP did not claim its plans were in compliance with the Binding Elements or that it has obtained an amendment or rescission of the Binding Elements from the District Council. Rather, FCP claimed it was not required to comply with the Binding Elements. The Board conducted a public hearing on the FCP plans on July 30, 2026. In its Report to the Board before the hearing, Planning Department staff expressed agreement with FCP's position that it was not required to comply with the Binding Elements. This claim was disputed by a number of witnesses who testified at the Board hearing, including, among others, County Executive Marc Elrich, me, the legal counsel for the Village, and the Brookdale Citizens Association. Nevertheless, the Board approved FCP's plans in its post-hearing deliberations on the plans and is expected to approve a written resolution to that effect sometime in September 2026, adopting the staff recommendation that FCP is not required to comply with the Binding Elements.

One of the Binding Elements, entitled "10. Notice to Subsequent Purchasers," states as follows (**Exhibit 2 at 8**):

> GEICO, its agents and assigns, must include in any contract of sale for any portion of the Site, as specified above, the following statement: The provisions of this Development Site Plan in Zoning Application G-760 regarding binding elements apply to all subsequent purchasers of any portion of the Site and development of the purchased property is subject to these requirements. The approved Development Plan is attached to this contract.

The Claim of Noncompliance

Based on the foregoing facts, which the Village asserts are not in dispute, the Village complains to DPS, in accordance with Zoning Ordinance § 59.7.2.1.J.1., that it has reasonable cause to believe that there is ongoing noncompliance with a binding element of an approved floating zone plan. It appears that either GEICO failed to

provide in is contract for sale of the property the notice required under Binding Element No. 10, or if it did, that FCP is proceeding in disregard of that notice with redevelopment plans for the for the property in violation of its obligation to comply with the Binding Elements, and that FCP has no authorization from the District Council regarding amendment or rescission of the Binding Elements.

The Village disputes all of the FCP and Planning Board Staff assertions of why compliance with the Binding Elements is not required, including their claim that the 2014 Zoning Rewrite negated their continuing applicability. This claim is contradicted by the terms of the Zoning Ordinance itself, as set forth in § 59.7.7.1.B.5.a. Other claims made by FCP and Board Staff attempting to justify noncompliance are equally without merit, which the Village is prepared to explain in detail. To that end, the Village requests, pursuant to § 59.7.2.1.J.1. & 2., that DPS issue a notice of noncompliance to the Village, GEICO, FCP and the Hearing Examiner, and that DPS request that the Hearing Examiner schedule a show cause hearing thereunder.

In view of the limitations inherent in the filing of an online complaint with DPS, counsel for the Village will file with the Director of DPS a like version of the complaint, with supporting exhibits.

Addresses:

GEICO
7272 Wisconsin Avenue
Bethesda, MD 20814

Friendship Commons Partners LLC
4800 Hampden Lane, Suite 300
Bethesda, MD 20814

3480-036

Resolution No. 13-1461
Introduced: October 13, 1998
Adopted: October 13, 1998

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY

By: County Council

Subject: APPLICATION NO. G-760 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Robert R. Harris, Attorney for Government Employees Insurance Company (GEICO), Applicant, OPINION AND RESOLUTION ON APPLICATION

Tax Account No. 423718

OPINION

Zoning Application No. G-760 requests reclassification from the R-60/TDR Zone to the TS-M Zone of 9.912 acres located at 5260 Western Avenue, known as a portion of Parcel A, GEICO Subdivision, Chevy Chase, in the 7th Election District.

The Hearing Examiner recommended approval of this application based on conclusions that the TS-M Zone at the proposed location is a proper use for the comprehensive and systematic development of the County; that the proposed development is capable of accomplishing the purposes of the TS-M Zone; that the proposed development is in substantial compliance with the applicable sector plan; and that the proposed development satisfies all of the technical requirements of the TS-M Zone. The Hearing Examiner also recommended approval of the development plan because it satisfies the requirements of §59-D-1.6 in that the TS-M Zone specifically complies with the recommendations contained in the sector plan, and does not conflict with the general plan, the County's CIP, or other plans or policies; that the development plan complies with the purposes, standards and regulations of the TS-M Zone; that the development plan provides for the maximum safety, convenience and amenities of residents of the development, and will be compatible with adjacent development; that the development plan

Exhibit 1

proposes a vehicular and pedestrian circulation system that is safe, adequate and efficient; that the development plan provides a site design that that will tend to prevent soil erosion and preserve natural features of the site; and that the development plan is supported by documents that adequately and sufficiently provide a method of assuring perpetual maintenance and care of recreational, common and quasi-public areas. The Planning Board and the Technical Staff provided similar recommendations. The District Council agrees with the findings and conclusions of the Hearing Examiner, the Planning Board and the Technical Staff.

The subject property lies at the southeastern edge of the Bethesda-Chevy Chase and Vicinity Planning Area, and within an area governed by the 1998 ***Friendship Heights Sector Plan***. The site contains about 1,500 feet of frontage along the south side of Willard Avenue as it extends between North Park Avenue and Friendship Boulevard. The site also extends south along the west side of Friendship Boulevard for about 1,000 feet. The site possesses about 250 feet of frontage along the north side of Western Avenue. The site is located about 700 feet west of the Friendship Heights Metro Station. The site was originally classified under the R-60 Zone by the 1954 Regional District zoning. This classification was confirmed by subsequent comprehensive rezoning in 1958. A portion of the subject property contains the existing GEICO headquarters office building which was authorized under Zoning Applications C-798 in 1962 which classified the footprint of the GEICO building under the C-O Zone. The headquarters building contains 514,257 square feet and ranges in height between four and seven stories. Subsequent comprehensive zoning in 1974 and 1990 confirmed both the R-60 and C-O zoning for the site. However, the 1990 comprehensive zoning enlarged the C-O zoned area by 1.65 acres to allow for expansion of the GEICO building. When expansion failed to materialize, GEICO subsequently applied for a downzoning of the 1.65 acres to the R-60 Zone which was approved in 1992 under G-693. On July 14, 1998,

comprehensive zoning applied the R-60/TDR Zone to the entire site, which rendered the existing GEICO building a non-conforming use.

The surrounding area that is likely to be affected by the proposed development includes the area bounded on the northeast by Wisconsin Avenue, on the southeast by Western Avenue, on the southwest by River Road, and on the northwest by the ***Friendship Heights Sector Plan*** boundary line. The land use and zoning pattern of this area reflects mixed uses and a variety of zoning categories. North and east of the subject property is the Village of Friendship Heights which contains a number of residential mid-rise and high-rise buildings and a variety of office and commercial uses classified under the CBD and R-H Zones. Located to the northwest is the Town of Somerset which is developed under the R-60 Zone. Located southeast of the subject property is the Hecht Company, which is classified under the CBD-2 Zone. The Friendship Heights Metro Station is located at the juncture of Western and Wisconsin Avenues. Located to the south and west of the subject property is the residential community of Brookdale which includes the subdivisions of Orchardale and Brookdale. This community is developed with 350 homes under the R-60 Zone.

The application proposes three office buildings along Friendship Boulevard and four multi-family residential buildings along Willard Avenue. The offices are to be located in three buildings set back a minimum of 20 feet from Friendship Boulevard and 80 feet from Western Avenue. The largest office building will be located near the intersection of Friendship Boulevard and Willard Avenue and will not exceed nine stories in height. The middle office building will not exceed eight stories in height. The office building closest to Western Avenue will not exceed five stories in height. Modest retail components will be located at the street level of these buildings. The maximum square footage of the entire office and retail complex will not exceed 810,000 square feet. The four residential buildings will house 300 dwelling units, including moderately priced dwelling units. These residential buildings will be

set back 40 feet from Willard Avenue. Parking for the complex will be contained in underground garages beneath both the residential and office buildings. The office parking is proposed at 2,592 spaces, and the residential parking is proposed at 400 spaces. Vehicular access is proposed by way of an access road extending from Willard Avenue at its intersection with North Park Avenue along the southern perimeter of the site to Friendship Boulevard. The overall floor area ratio of the project is 2.85.

The development plan proposes substantial amenities. On-site open space is proposed at 4.07 acres. This open space will include approximately 150 new trees to be planted on the site after construction is completed. A promenade along Willard Avenue will contain a 40-foot width, a double row of street trees, and a 12-foot sidewalk extending from North Park Avenue to the intersection of Willard Avenue and Friendship Boulevard. A promenade along Western Avenue will include a 30-foot width, a double row of trees, and a sidewalk and separate bikeway. The office building located near Western Avenue will be setback at least 80 feet from the curb. Buildings located along Friendship Boulevard will be set back at least 20 feet from the curb and the setback area will include streetscape and a single row of trees.

The development plan also proposes significant off-site amenities. A greenway, which includes a variable width ranging from 50 to 70 feet, will extend from the western tip of the GEICO tract along its southern boundary to Western Avenue. The existing three-acre Brookdale Park which is currently leased to the Maryland-National Capital Park and Planning Commission will be enlarged to include an adjacent lot for a total size of 3.7 acres. A central open space area of about one acre will be located north of the Brookdale Park. A large open space area will also be located adjacent to Western Avenue and will contain sufficient size to accommodate Little League baseball games and a buffer area. These off-site amenities also involve tree preservation and approximately 255 existing trees will be preserved within a tree save area. An afforestation proposal will locate 250 new trees on the portions of

the GEICO tract which are outside the subject property. The Applicant has also provided a staging plan which provides for a program for the sale of the existing GEICO homes located in the Brookdale community.

The development plan also provides for other binding elements which include a combined preliminary plan for both the TS-M and R-60/TDR zoned areas, traffic mitigation, a pedestrian circulation system, on-site stormwater management facilities, and notice to subsequent purchasers. These binding elements assure that the sector plan's guidelines will be properly implemented and that the proposed development will not have an adverse impact on its neighbors and will be served by adequate public facilities.

The District Council determines that the development plan satisfies the requirements of §59-D-1.61. The requested reclassification to the TS-M Zone specifically complies with the recommendations contained in the sector plan and does not conflict with the general plan, the County's CIP, or other applicable County plans or policies. The development plan complies with the purposes, standards and regulations of the TS-M Zone and provides for the maximum safety, convenience and amenities of residents of the area as well as being compatible with adjacent development. The development plan also proposes a vehicular and pedestrian circulation system that is safe, adequate and efficient. The development plan provides for a site design that will prevent soil erosion and preserve vegetation and other natural features of the site. The development plan is supported by documents that adequately and sufficiently provide a method of assuring perpetual maintenance of recreational, common or quasi-public areas.

The District Council concludes that the application satisfies the requirements of the TS-M Zone. The TS-M Zone at the proposed location constitutes a proper use for the comprehensive and systematic development of the County. The proposed development is capable of accomplishing the

purposes of the zone. The proposed development is also in substantial compliance with the applicable sector plan. The proposed development satisfies all the technical requirements of the TS-M Zone.

For these reasons, and because to grant the instant application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution:

The revised development plan, submitted as Ex. 263 (a), is hereby approved.

Application No. G- 760, for the reclassification from the R-60/TDR Zone to the TS-M Zone of 9.912 acres located at 5260 Western Avenue, known as a portion of Parcel A, GEICO Subdivision, Chevy Chase, in the 7th Election District, is granted for the TS-M Zone in the amount requested subject to the specifications and requirements of the revised development plan approved above; provided that within 10 days following this action the applicant must submit to the Hearing Examiner for certification under Section 59-D-1.64 a reproducible original and three copies of the approved development plan.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Secretary of the Council

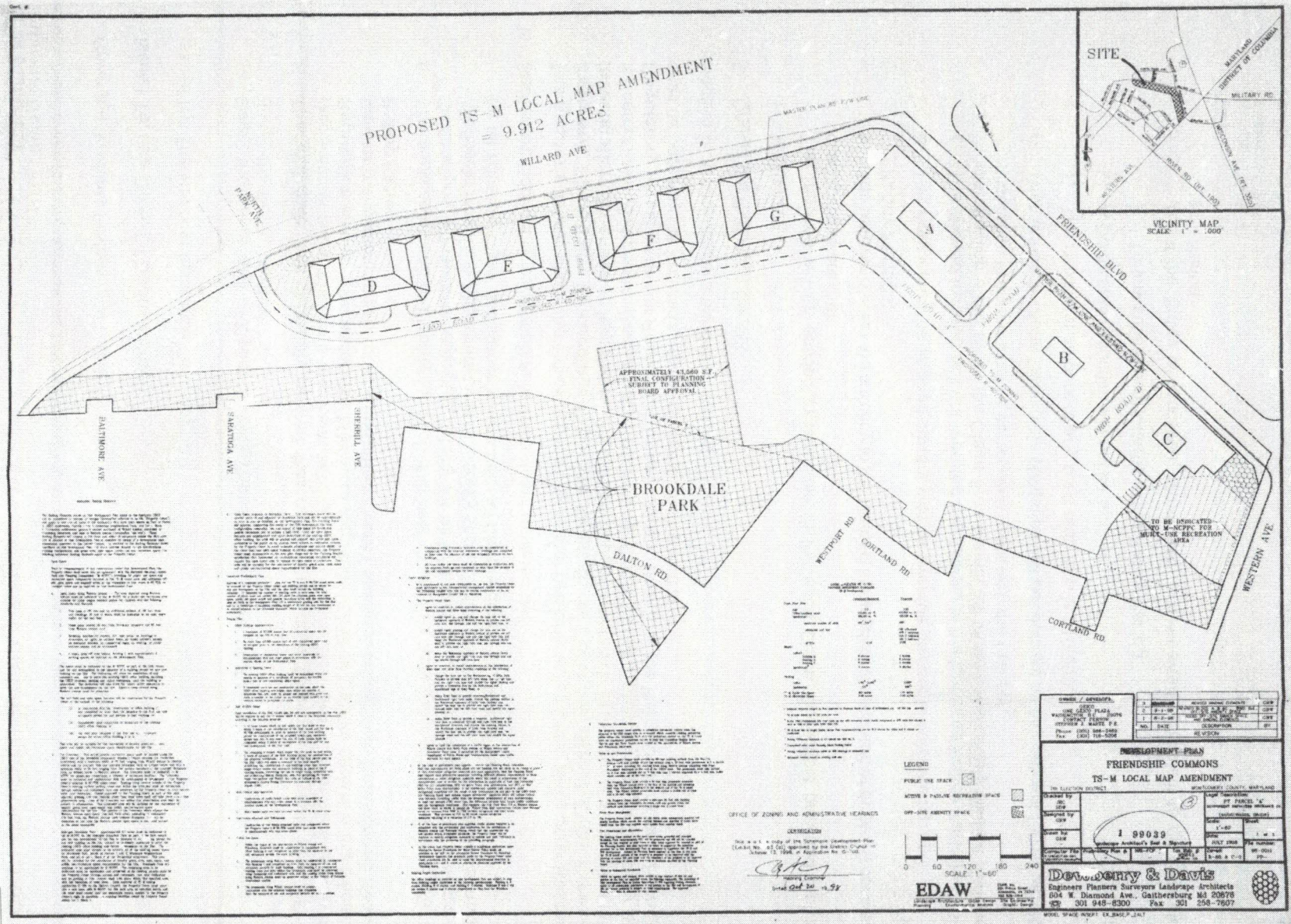


Exhibit 2

A0 A1 A2 A3 A4 A4h A4h A4 A3 A2 A1 A0

The Binding Elements shown on this Development Plan apply to the Applicant GEICO and all successors in interest or assigns (hereinafter referred to as the "Property Owner") and apply to any and all parts of the Applicant's 26.5-acre tract known as Part of Parcel A, GEICO subdivision, Parcels 1 and 2, Brookdale Neighborhood Park; and Lot 1, Block 4, Orchardale subdivision generally located southeast of Willard Avenue, southwest of Friendship Boulevard, and west of Western Avenue (hereinafter "the site"). These Binding Elements will remain in full force and effect in perpetuity unless the 26.5-acre Site is rezoned or this Development Plan is modified by means of a development plan amendment approved by the District Council. In addition to the Binding Elements shown elsewhere on this Development Plan and which address density, design specifications, building configuration, and green area, open space, public use and recreation space, the following additional Binding Elements apply to the Property Owner.

1. Open Space

   Prior to commencement of any construction under this Development Plan, the Property Owner shall enter into an agreement with the Maryland-National Capital Park and Planning Commission ("M-NCPPC") providing for public use space and recreation space components included in the TS-M zoned area and additional off-site open space and amenity areas in the remainder of Site zoned R-60/TDR as provided below and as depicted on this Development Plan.

   a. Open Space Along Western Avenue - - The area depicted along Western Avenue must be dedicated to the M-NCPPC for a multi-use recreation area suitable for Little League baseball games for children with the following standards and features:

      1. Foul lines of 180 feet and an additional setback of 100 feet from any dwellings, 25 feet of which must be dedicated as an open space buffer for the ball field.

      2. Home plate located 80 feet from Brookdale boundary and 65 feet from Western Avenue curb.

      3. Backstop, benches for players, dirt base paths, no buildings or structures, no lights, no outfield fence, no raised pitcher's mound, no spectator benches, no commercial signs, no vending, no public address system and no scoreboard.

      4. A small drop-off area behind Building C with approximately 6 parking spaces, as depicted on the Development Plan.

      The space must be dedicated to the M-NCPPC as part of the first record plat for any development or the issuance of a building permit for any new building on the Site. The dedication will allow for reservation of any necessary easements to serve the existing GEICO office building including the GEICO driveway, parking and utility easements, until the building is demolished. The dedication will also allow for future utility easements to serve the new development on the Site. Existing trees located

Exhibit 4

along Western Avenue must be preserved.

The ball field and open space features will be constructed by the Property Owner at the earliest of the following:

(i) In conjunction with the construction of Office Building C and completed no later than the issuance of the first use and occupancy permit for any portion of that building, or

(ii) immediately upon completion of demolition of the existing GEICO office Building, or

(iii) one year after issuance of the first use and occupancy permit for either Office Building A or B.

This area will be included for the calculation of density, green area, open space and public use/recreation space requirements for the Site.

b. The Greenway – This active/passive recreation space must be located along the GEICO side of the Brookdale community boundary (which includes the Orchardale subdivision) with a minimum width of 70 feet ranging from Willard Avenue to Sherrill Avenue and its juncture with the enlarged Brookdale Park as defined below, and with a minimum width of 50 feet ranging from the eastern boundary of the enlarged Brookdale Park as defined below, to Western Avenue. The Greenway must be dedicated to M-NCPPC for pedestrian connections, a bikeway or recreation facilities. The Greenway must be dedicated and implemented with the development of townhouses on the Property Owner's adjacent R-60/TDR zoned areas. Existing trees located outside of the Property Owner's existing surface parking areas and within the Greenway must be maintained through normal and customary care and preserved by the Property Owner in their natural state until dedication. Unless approved by the Planning Board as part of site plan approval, grading and tree removal other than dead trees shall not take place within this preservation area. Areas of the Greenway not within this preservation area shall be subject to afforestation. This Greenway area will be included for the calculation of density, green area, open space, and public use/recreation space requirements for the Site. The portion of the Greenway which adjoins the Western Avenue open space (the ball field area), extending approximately 270 feet from the Western Avenue curb towards Brookdale Park will be dedicated at the time the Western Avenue open space is dedicated subject to the same easements.

c. Enlarged Brookdale Park – Approximately 3.7 acres must be dedicated to the M-NCPPC for the enlarged Brookdale Park as part of the first record plat for any

development on the Site or issuance of any building permit for any new building on the Site, subject to necessary easements to serve the existing GEICO office building and future development on the Site. The dedicated area must include in its entirety all of the existing leased space for Brookdale Park, known as Parcels 1 and 2, Brookdale Neighborhood Park, and all of Lot 1, Block 4 of the Orchardale subdivision. This area will be included for the calculation of density, green area, open space, and public use/recreation space requirements for the Site. Brookdale Park will continue to be maintained by M-NCPPC. The remaining area to be dedicated must be maintained and preserved in its existing natural state by the Property Owner through normal and customary care until dedication and no grading or tree removal shall take place within this specified area with the exception of dead trees. Upon approval of TS-M zoning application G-760 by the District Council, the Property Owner must enter into a new lease with M-NCPPC for the park area as specified herein and the lease shall extend until the dedication occurs, subject to the Property Owner's right to maintain any existing facilities owned by Property Owner within Lot 1, Block 4.

d. Open Space Adjacent to Brookdale Park – This recreation space will be located north of and adjacent to Brookdale Park and will be approximately an acre in size as depicted on the Development Plan. The Planning Board will approve, considering the needs of TDR development, the final configuration, ownership, use and layout of this space for active and passive recreation, not to include a ball field. Until the open space features are implemented and upon demolition of the existing GEICO office building, the area will be graded and planted with grass and made accessible to the public on an interim basis subject to reasonable controls by the Property Owner to avoid nuisance situations and liability issues. In the event that this open space remains in private ownership, the Property Owner must demonstrate at the site plan stage and to the Planning Board's satisfaction that homeowner or condominium association documents will require this open space area to remain as open space in perpetuity. This area will be included for the calculation of density, green area, open space and public use/recreation space requirements for the Site.

2. Combined Preliminary Plan

Approval of a combined preliminary plan for the TS-M and R-60/TDR zoned areas must be obtained by the Property Owner before any building permit can be issued for any new development on the Site, and the plan must include the following elements: (1) identifies the number of dwelling units in each area, the total number of which must not exceed 500; (2) show the proposed green area, open space, public use space, active and passive recreation areas with the restrictions to uses set forth in the Development Plan; (3) a preliminary grading plan for the Site, and (4) a restriction of maximum building height of 35 feet for any townhouses to be located adjacent to the Brookdale boundary (which includes the Orchardale subdivision).

3. Staging Plan

a. Office Building Implementation

1. A maximum of 810,000 square feet of commercial space may be occupied on the Site at any time.

2. No more than 514,000 square feet of new commercial space may be occupied prior to the demolition of the existing GEICO building.

3. Construction of commercial space may occur separately or simultaneously with any other phase in accordance with the location shown on the Development Plan.

b. Demolition of Existing Space

1. The existing GEICO office building must be demolished within six months of issuance of a certificate of occupancy for 514,000 square feet of new commercial office space.

2. If residential units are not constructed on the area where the GEICO office building now exists, then within six months of demolition that area must be graded and planted with grass and made accessible to the public on an interim basis subject to the controls stated in paragraph 1.d above.

c. Sale of GEICO Houses

Upon recordation of the first record plat for any new development on the Site, GEICO will be required to sell the 17 houses which it owns in the Brookdale community according to the following schedule:

1. 11 of those houses which do not adjoin the Site must be sold within 3 years of the recordation of the first recorded plat for the R-60/TDR development or prior to issuance of the first building permit for construction of the proposed townhouses, whichever occurs last, but in any case the sale of these houses must be completed within 5 years of recordation of the first plat for any new development on the Site, and

2. The remaining 6 houses which adjoin the Site must be sold within 3 years of issuance of the first building permit for construction of the proposed townhouses. At the time of the first record plan on the Site, GEICO will place a covenant in the land records prohibiting the construction of any buildings other than detached single-family houses and accessory buildings in place of the 6 existing houses, restricting the use to single family residential uses and prohibiting Special Exception uses, but permitting No Impact Home Occupations and Family Day Care, as defined in the 1994 Montgomery County Zoning Ordinance (as amended through August, 1998).

d. Multi-Family Implementation

1. Construction of multi-family units may occur separately or simultaneously with any other phase in accordance with the location shown on the Development Plan.

2. Multi-family units are only included within the TS-M zoned areas.

e. One-family Attached and Townhouses

Construction of one family attached units and townhouses within the Property Owner's R-60/TDR zoned area may occur separately or simultaneously with any other phase.

f. Public Use Space

1. Public Use Space at the intersection of Willard Avenue and Friendship Boulevard must be constructed in connection with Office Building A and completed no later than the issuance of use and occupancy permits for such building.

2. The promenade along Western Avenue must be constructed in conjunction with Building C and completed no later than the issuance of use and occupancy permits for such building. Until Building C is constructed, existing trees and lawn within the promenade area must be preserved, using reasonable and customary care, and the existing street trees located along Western Avenue must be preserved subject to the District of Columbia Government control.

3. The promenade along Willard Avenue must be constructed in conjunction with the adjacent buildings and completed no later than the issuance of the use and occupancy permits for such buildings.

4. Streetscape along Friendship Boulevard must be constructed in conjunction with the adjacent commercial buildings and completed no later than the issuance of use and occupancy permits for such buildings.

5. All other public use space must be constructed in conjunction with the adjacent buildings and completed no later than the issuance of use and occupancy permits for such buildings.

4. Traffic Mitigation

a. As a requirement of any new development on the Site, the Property Owner must participate in any transportation management district established for the Friendship Heights area and pay an annual contribution or fee as required by Montgomery County law or regulation.

b. The Property Owner must:

1. agree to construct or install improvements at the intersection of Western Avenue and River Road consisting of the following:

    i. modify signal phasing and change the lane use on the Eastbound approach of Western Avenue to provide one left turn lane, one through lane and one right turn lane, or

    ii. modify signal phasing and change the lane use on the Eastbound approach of Western Avenue to provide one left turn lane, one through lane and one right turn lane and widen the Westbound approach of Western Avenue (North side) to provide one right turn lane, one through lane and one left turn lane, or

    iii. widen the Westbound approach of Western Avenue (North side) to provide one right turn lane, one through lane and one shared through/left turn lane.

2. agree to construct or install improvements at the intersection of River Road and Little Falls Parkway consisting of the following:

    i. change the lane use on the Westbound leg of Little Falls Parkway to provide dual left turn lanes, one through lane and one right turn lane, and modify the signal phasing and provide a reversible flow on the Northbound and Southbound legs of River Road, or

    ii. widen River Road to provide separate Northbound and Southbound right turn lanes, remove the existing median in the Westbound approach of Little Falls Parkway and modify the lane use to provide one right turn lane, two through lanes and two left turn lanes and modify the signal phasing, or

    iii. widen River Road to provide a separate Southbound right turn lane, a combined through and right turn lane in the Northbound direction, and remove the existing median in the Westbound approach of Little Falls Parkway and modify the lane use to provide one right turn lane, two through lanes and two left turn lanes and modify the signal phasing.

3. agree to fund the installation of a traffic signal at the intersection of Willard Avenue and North Park Avenue or Willard Avenue and Shoemaker Farm Lane, if permitted by the Montgomery County Department of Public Works and Transportation based upon traffic warrants for such signals.

c. At the time of preliminary plan approval, should the Planning Board determine that the improvements set forth above are not feasible, are not likely to be timely in place, or that alternative mitigation measures are more appropriate, then the Planning Board may require such alternative measures including different physical improvements to these intersections or other mitigation measures which will result in achievement of the

recommended level of service for the intersections as applicable at that time (presently 1600 for DC intersections, 1800 for Metro Policy Area intersections, and 1850 for Non-Metro Policy Area intersections). If the intersection exceeds that standard under background conditions not the result of any development on any part of the GEICO track, the Planning Board may instead require alternative measures which will reduce Critical Lane Volumes (including traffic from the proposed development) at such intersection(s) at least ten percent (10%) more than the difference between total future traffic conditions and the background conditions. (For example, the P.M. Peak Hour CLV at Western Avenue and River Road, as shown in Exhibit 76. "Future Peak Hour Intersections, Critical Lane Volumes" shows an increase from 1689 to 1758 between background and total future conditions. This increase of CLV by 69 would require mitigation measures resulting in a reduction of CLV by 76).

d. If, at the time of preliminary plan approval, traffic studies required to be submitted with the preliminary plan application for the intersection of Western Avenue and Wisconsin Avenue reveal that the intersection will not operate within acceptable standards, the Property Owner will be required to identify mitigation measures to address any such deficiency in accordance with the provisions of the preceding paragraph.

e. In the event that Property Owner submits a subdivision application under Alternative Review Procedures for Metro Station Policy Areas, as provided in the AGP, or the Alternative Review Procedure for Expedited Development Approval, the payments made by the Property Owner under those procedures will be used to make the improvements described in paragraphs 4.b. 1 and 2 above or alternative measures approved by the Planning Board.

5. Building Height Limitations

The office buildings as depicted on this Development Plan are subject to step down building height limitations of the following specifications. Building A, 9 stories, Building B, 8 stories, and Building C, 5 stories. Building B and C will not exceed 8 stories and 5 stories respectively as they face the Brookdale community.

6. Pedestrian Circulation System

The property owner must provide a pedestrian circulation system when the adjacent R-60/TDR zoned area is developed, which connects existing pedestrian paths within the Brookdale Park with the pedestrian system on the TS-M zoned area for convenient pedestrian access to both the Friendship Heights Metro Station and the Town Center area located at the intersection of Willard Avenue and Friendship Boulevard.

7. Setbacks and Promenades

a. The Property Owner must provide an 80-foot building setback from the Western Avenue curb and provide within the setback area a 30-foot wide promenade with a double row of trees including the existing trees along Western Avenue extending west from Friendship Boulevard to the end of the GEICO tract. The promenade must also include an 8-foot wide sidewalk and an 8-foot wide class 1 bikeway separated by a 4-foot wide buffer which contains one of the tree rows.

b. The Property Owner must provide a 40-foot wide promenade measured from the Willard Avenue curb to the face of the building and extending west from Friendship Boulevard to the western end of the TS-M zoned area. The Willard Avenue promenade must contain a double row of trees and a 10-foot wide sidewalk.

c. The Property Owner must provide a minimum 20-foot wide building setback from the Friendship Boulevard curb and provide within the setback area streetscape including a single row of street trees.

8. Storm Water Management

The Property Owner must provide on-site storm water management quantity and quality facilities which reduce the existing volumes and velocities of storm water runoff from the Site and improve water quality from existing runoff.

9. Tree Preservation and Afforestation

The existing trees located on the open space area greenway and enlarged Brookdale Park (approximately 255) will be preserved and will not be removed except for the removal of dead trees or other trees approved for removal as part of the Planning Board's site plan approval in order to implement the amenities provided for in the Development Plan or necessary to implement the TS-M and TDR development. Subject to Planning Board approval at the time of site plan, the TS-M zoned portions of the property is proposed to be improved with the planting of about 150 new trees and the remainder of the property to be improved with the planting of about 250 new trees at locations specified by the Planning Board.

10. Notice to Subsequent Purchasers

GEICO, its agents and assigns, must include in any contract of sale for any portion of the Site, as specified above, the following statement: The provisions of this Development Site Plan in Zoning Application G-760 regarding binding elements apply to all subsequent purchasers of any portion of the Site and development of the purchased property is subject to these requirements. The approved Development Plan is attached to this contract.

ZONING APPLICATION NO. G-780
PROPOSED DEVELOPMENT STANDARDS
TS-M Development

Gross Floor Area	Permitted/Required	Proposed
PAR	3.0	2.85
Office/ancillary retail	810,000 sq. ft.	810,000 sq. ft.
Residential	485,301 sq. ft	420,536 sq. ft.
-maximum number of units	685[1]/500[2]	300*
-estimated unit mix	_ _	10% efficiency 40% 1 bedroom 40% 2 bedroom 10% 3 bedroom
-MPDU's	12.5%	12.5%
Height		
Office[3]		
Building A	9 stories	9 stories
Building B	9 stories	8 stories
Building C	5 stories	5 stories
Residential[3]	4 stories	4 stories
Parking		
Office	1,701[4]/2,592[5]	2,592[4]
Residential	315[6]	400[7]*
TS-M Public Use Space	912 acres	1.44 acres
TS-M Recreation Space	2.48 acres	2.63 acres

* Indicates elements subject to final approval by Planning Board at time of preliminary plan and site plan approvals.
[1] TS-M Zone allows up to 150 units per acre
[2] Sector Plan recommends 500 total units on site with estimated multi-family components at 272 units but allowed to vary so long as total unites fewer than 500
[3] TS-M Zone has no height limits; Sector Plan recommendations are for 9-5 stories for office and 4 stories for residential
[4] Zoning Ordinance minimum at 2.1 spaces per 1000 sq. ft.
[5] Guaranteed ratio under Planning Board Parking Policy
[6] Zoning Ordinance minimum based on 300 dwelling s at estimated mix
[7] Estimated number based on dwelling unit mix

FILE COPY

Date of Mailing: May 13, 1999

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Preliminary Plan No.: 1-99039
Project: Friendship Commons (GEICO)
Date of Hearing: February 11 and 25, 1999

Action: ***APPROVAL, SUBJECT TO CONDITIONS.*** *(Motion by Commissioner Bryant; seconded by Commissioner Perdue; with a vote of 4 to 0; Bryant and Hussmann voting in favor of the Motion.*

INTRODUCTION

By application filed November 16, 1998, Government Employees Insurance Company ("GEICO" or the "Applicant") sought preliminary plan review of a Preliminary Plan entitled "Friendship Commons." The application sought approval to develop 810,000 square feet of commercial office space and 500 dwelling units on a site encompassing approximately 26.5 acres in the TS-M and R-60/TDR zones. Notice of the application was sent to the owners of 62 adjoining and confronting properties, to three municipalities and to six civic associations. The Maryland-National Capital Park and Planning Commission (the "Commission") scheduled the matter for review by the Commission's Development Review Committee on December 21, 1998. Several members from the community attended that meeting. At the meeting, the Committee set a tentative hearing date before the Montgomery County Planning Board (the "Board") for February 11, 1999.

In advance of that hearing, Commission staff received various comments and inquiries from interested parties and held various meetings with Applicant and community representatives in order to address those questions and comments, as well as issues of interest to Commission staff.

On February 11 and 25, 1999, the Board held public hearings to consider Preliminary Plan No. 1-99039. Notice of the February 11, 1999 hearing was sent out on January 29, 1999, and notice of the February 25, 1999 hearing was announced at the February 11, 1999 hearing and listed in the Planning Board's agenda for February 25,

Exhibit 3

1999. All interested persons were afforded the opportunity to testify, provide rebuttal testimony and cross-examine witnesses to the extent they chose to do so. There also was an opportunity to submit written testimony prior to and between the two hearing dates. Six people from the community spoke at the February 11, 1999 hearing generally supporting the application but raising questions as to certain aspects including traffic. Four of those six also spoke at the February 25, 1999 hearing. The Board's counsel addressed the procedures followed at every step in the hearings and concluded that all required evidentiary laws, rules and procedures had been followed in this subdivision case. Counsel confirmed that the Board's handling of this matter did not compromise, in any way, the interests of any one opposed in any way.

The testimony and evidence presented included, without limitation, the applicant's Preliminary Plan Application materials; the Approved and Adopted Friendship Heights Sector Plan dated March 1998 (the "Sector Plan"); copies of testimony taken by civic groups, organizations and individuals regarding the Preliminary Plan Application; the Applicant's traffic study dated December 4, 1998 and additional traffic information provided by the Applicant at the request of Staff dated February 2, 1999; the M-NCPPC Planning Department Staff Recommendations dated February 25, 1999; Development Review Division Memorandum dated February 19, 1999; Community-Based Planning Division Memoranda dated February 19, 1999; Transportation Planning Division Memorandum dated February 5, 1999, as revised February 11, 1999; Supplemental Memorandum dated February 19, 1999; the Applicant's letter dated February 22, 1999; and the recommendations of the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Permitting Services, the Maryland State Highway Administration, the District of Columbia Department of Public Works, and public utility companies. Based upon the testimony and evidence, the Board finds Preliminary Plan No. 1-99039 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan No. 1-99039, subject to the conditions listed at the end of this opinion.

DISCUSSION and FINDINGS

The Project is being developed pursuant to the Sector Plan as approved by the Montgomery County Council in Resolution No. 13-1148 dated January 27, 1998 and rezoning G-760 for the 9.9± acre, TS-M zoned portion of the Property approved by the

District Council in Resolution No. 13-1461 and an accompanying Development Plan adopted by the District Council on October 13, 1998.

The Property consists of approximately 26.5 acres and is located within the 1998 Friendship Heights Sector Plan and Friendship Heights Policy Area. The Property is generally bounded by Willard Avenue to the north and Friendship Boulevard to the east, adjoins the District of Columbia, and is 700± feet west of Friendship Heights Metro Station. The Preliminary Plan Application proposes to subdivide the Property to allow for redevelopment to replace the existing 514,257 square foot GEICO headquarters office building with three new office buildings located closer to the Metro station and the addition of 500 dwelling units on the remainder of the Property now occupied by office parking.

The Property is located in the southwest quadrant of Willard Avenue and Friendship Boulevard in the Friendship Heights section of Chevy Chase. In addition to impacting Willard Avenue and Friendship Boulevard, traffic generated by the Property will impact, to varying degrees: Western Avenue, including its intersection at River Road; River Road at Little Falls Parkway; Little Falls Parkway itself; and Friendship Boulevard at Jennifer Street.

The Applicant proposes to construct the following improvements:

1. 500 residential dwelling units, including 300 multi-family units located in four buildings along Willard Avenue and 200 single family attached units located in the interior portion of the Property;

2. 810,000 square feet of office space and ancillary retail use located in three buildings along Friendship Boulevard;

3. Subsurface parking beneath the multi-family and office buildings, and off-street parking for single family attached residences;

4. An expansion to Brookdale local park;

5. A ball field; and

6. Open space or greenspace areas throughout the Property.

There currently are no existing on-site streams, swales, wetlands or other hydrologic features on the Property. There are no historic or culturally significant sites or buildings on or within 100 feet of the Property. There are no rare, threatened or endangered species known to occur on the Property.

County Code Section 50-35(k)(the "Adequate Public Facilities Ordinance" or "APFO") directs the Planning Board to approve preliminary plans of subdivision only after finding that the public facilities, including the transportation system, will be adequate to serve the subdivision. From a transportation standpoint, this involves predicting future demand from approved development and comparing it to the capacity of existing and programmed public facilities. The Montgomery County Council delegated to the Planning Board and its staff all necessary administrative decisions not covered by the guidelines established by the Council for the APFO in the County's Annual Growth Policy. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

Subdivision applications may be subject to two different types of transportation tests. One is called the Policy Area Transportation Review. The other is called the Local Area Transportation Review. The Policy Area Transportation Review divides the County into policy areas. These area geographic areas for which the adequacy of public facilities is addressed on an area-wide basis. With regard to transportation, a staging ceiling may be established for each policy area. The staging ceiling for a policy area is the maximum number of jobs and residential units that can be accommodated by the existing and programmed transportation network serving the area, at an assigned level of service standard. Except for special circumstances, if a proposed subdivision is in an a geographic policy area for which previously approved development exceeds the staging ceiling, then the Planning Board must find the public facilities to be inadequate.

Pursuant to the Fiscal Year 1999 Annual Growth Policy adopted by the Montgomery County Council on June 30, 1998, the Property is located within the Friendship Heights Policy Area. This Policy Area has ceiling capacity for 4,831 jobs and 1,205 housing units as of the date of this application. Based on the mix of uses provided as part of the Project and the analysis contained in M-NCPPC Transportation Planning Staff Memoranda dated February 5, 1999 (as revised February 11, 1999) and February 19, 1999, ("TPD

Memoranda"), the Board determined that the Project would result in 1,314 new jobs and 500 new dwelling units and would generate 1052 net new A.M. peak hour trips and 1034 net new P.M. peak hour trips. The Board concludes the Application therefore passes the Policy Area Transportation Review test.

Regarding the Local Area Transportation Review test, the Applicant submitted a detailed traffic impact study dated December 4, 1998, and additional information requested by the staff on February 2, 1999, which was reviewed by the M-NCPPC Transportation Planning Division. It is noted that the additional information requested by staff was not required as a matter of law but, nonetheless, was provided by the Applicant at staff's request for purposes of adding the traffic projected to be generated by the Friendship Place subdivision (Preliminary Plan No. 1-99030) during the peak hours employed by the Friendship Place traffic study to all 15 intersections studied in the Applicant's December 4, 1998 traffic study. This additional information reconciled alleged differences between the traffic studies for both projects. Even though the Planning Board recognized that many of the traffic and transportation-related issues raised at the subdivision hearings had been addressed in the Sector Plan and rezoning Case No. G-760, the Planning Board still afforded an opportunity for opposition testimony, rebuttal and cross-examination on these same issues at subdivision. No cross-examination of the Applicant or the Applicant's representatives was requested by any party in opposition.

Findings:

The Planning Board finds that the Applicant's December 4, 1998 expert traffic study was timely filed, afforded all parties sufficient time to review and respond, took into account all issues required to be considered under the Montgomery County Code and was, in and of itself, fully acceptable and persuasive on all requisite issues regarding the Adequate Public Facilities Ordinance the Annual Growth Policy and the LATR Guidelines. Based on the Applicant's traffic study and additional information provided by the Applicant and the analysis provided by staff in the TPD Memoranda, and for the reasons stated therein which the Planning Board hereby adopts as its own, the Planning Board concludes that the Project passes the Local Area Transportation Review test, if the transportation and improvements identified in the TPD Memoranda are provided. The Board expressly finds that the Applicant's analyses adhere to the guidelines contained in the Local Area

Transportation Guidelines dated April 1998. The Board finds that the Applicant's traffic studies and TPD Staff Memoranda and testimony provided credible and convincing evidence regarding all of the issues raised concerning traffic and transportation including, but not limited to, trip generation rates, intersection levels of service and critical movements, lane use factors, traffic growth assumptions and background traffic, and applicable peak hours. Staff confirmed and the Board hereby adopts as a finding that the traffic study and additional traffic information submitted by the Applicant's traffic engineer comply with all of the requirements set forth in the LATR Guidelines and as accepted by the Board. The Board further notes that there were no studies or evidence submitted into the record refuting the findings of the Applicant's traffic engineer or TPD Staff regarding traffic and transportation.

Section 50-24(b) of the Subdivision Regulations provides that the subdivider shall also provide, in addition to any required dedication for widening existing frontage roads, such reasonable improvements to the roads necessary to meet the needs of the subdivision for access and traffic. In the TPD Memoranda, the Planning Department staff recommended the Applicant provide certain right-of-way dedications and additional roadway improvements required to maintain safe travel conditions, including improvements and/or funding for turn lanes, curb radius expansion, traffic signalization and phasing, median removal, lane use changes and restriping, and implementing traffic mitigation measures.

The Planning Board, after considering all the evidence and testimony of record, finds the improvements and access modifications recommended by Staff and set forth in the conditions of approval below are necessary and adequate to serve the needs of the Project for access and traffic. The improvements will facilitate the safe and efficient traffic movements on the public roads abutting the Property. The improvements will also assure that vehicles entering and leaving the property will be able to do so in a safe and efficient manner.

The Planning Board further finds that the proposed on-site stormwater management concept plan conditionally approved by the Montgomery County Department of Permitting Services by letter dated January 22, 1999, will provide adequate control of stormwater runoff from the Property. The approved stormwater management concept consists of on-site water quantity control via underground storage and on-site water quality control via structural sand-filters and water quality inlets. The Planning Board also finds that the

proposed storm drainage improvements are acceptable because the runoff from the developed 2-year storm event will be stored and released at the predeveloped 2-year storm event rate and that the preliminary forest conservation plan, as reviewed and recommended by Staff, meets the requirements of Montgomery County Code Chapter 22A.

The Planning Board finds that the project satisfies requirements as to the dedication of land for public use, includes required public improvements (roads and sidewalks, water and sewer and storm drainage), meets sediment control standards, is an appropriate block and lot design, provides adequate open space and recreation areas and is consistent with the Friendship Heights Sector Plan and the approved Development Plan for the TS-M zoned portion of the Property.

Therefore, having considered all of the evidence presented and all the testimony taken, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations of the Montgomery County Code, the applicable recommendations of the Sector Plan, and the provisions of the Maryland Code Ann., Art. 28, and approves Preliminary Plan No. 1-99039 subject to the following conditions:

(1) Prior to recording of plat(s), Applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 500 dwelling units and 810,000 square foot office use. The Applicant shall provide the following Local Area Transportation Review improvements as outlined in the Transportation Planning Division staff memorandum dated 2-5-99 and as amended 2-19-99.

a) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to (a) provide separate left-turn lanes along eastbound and westbound Western Avenue at River Road, (b) if necessary or required by the District of Columbia, increase the curb radius in the southeast corner from 15 feet to 20-30 feet in accordance with plans approved by the District of Columbia Department of Public Works. To the extent possible, include a sidewalk to allow for pedestrian safety within the existing road right-of-way, and (c) change the traffic signal phasing to provide concurrent signal phasing along Western

Avenue. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.

b) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to (a) provide separate northbound and southbound right turn lanes on River Road at Little Falls Parkway, (b) remove the existing medians on Little Falls Parkway and change the lane use on the eastbound and westbound approaches to provide one left-turn lane and one through/right lane on the eastbound approach of Little Falls Parkway and one right-turn lane, two through lanes and two left-turn lanes on the westbound approach of Little Falls Parkway, and (c) change the traffic signal phasing to provide concurrent phasing for Little Falls Parkway. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.

c) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to improve the intersection of Friendship Boulevard/Jenifer Street and Western Avenue (a) to restripe Friendship Boulevard approaching Western Avenue within the existing curbs, and (b) modify the signal phasing to provide split phasing for Friendship Boulevard and Jenifer Street. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.

d) Participate with the owner/developer of Friendship Place (Preliminary Plan No. 1-99030) to fund a traffic signal at the site access (located on Friendship Boulevard) based on actual traffic generated from each primary development within one year of completion and occupancy of both projects, if deemed necessary by MCDPW&T warrant analysis.

e) Applicant to enter into a Traffic Mitigation Agreement with M-NCPPC and

MCDPW&T for new construction under G-760. In conjunction with other new development, participate in the Friendship Heights Transportation Management Organization (TMO) and pay to Montgomery County the transportation management fee required by the Transportation Management District (TMD) legislation to support the TMD, regardless of whether the development included in the approved site plan is considered new or existing development by the TMD.

To assist in attaining the objectives of the Transportation Management District, including achieving and maintaining a non-auto driver mode share of 39 percent of employees, the Traffic Mitigation Agreement shall include management strategies such as:

a. Offer employees a transit/van pools allowance of at least $5 a month per employee
b. Establish a "Donor Day" incentive program
c. Provide employee access to ride-matching and emergency ride home programs
d. Designate preferential car pool parking spaces
e. Appoint a transportation coordinator to assist employees in exercising commuting options and to provide for coordination and trip reduction monitoring with the Friendship Heights transportation management organization
f. Devise a technique to avoid the use of retail parking spaces by employees during peak traffic hours

In the event that the Friendship Heights TMO is not established, to fund the operation of traffic mitigation activities in addition to those listed above, the applicant shall 1) support the Barlow Center Transportation Management Organization which is required by Site Plan No. 8-95031 or 2) operate a GEICO program for its new development or 3) participate in the interim transportation management program organized by Montgomery County for Friendship Heights, whichever is in effect. The amount of parking shall be determined at time of site plan approval.

(2) Compliance with the conditions of approval of the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate.

(3) Prior to submission of access permits for Friendship Boulevard, Applicant to coordinate with the representatives of Preliminary Plan No. 1-99030 (Friendship Place) and MCDPW&T to finalize driveway locations.

(4) Provide final landscape/streetscape plans, parking facilities plan, recreational facilities plan, pedestrian/bikeway and vehicular circulation plan to be reviewed and approved at site plan.

(5) Applicant to provide dedication by record plat of Open Space/ball field, the Greenway and Enlarged Brookdale Park as required by the conditions of approval for Zoning Applicant G-760 and shown therein.

(6) Prior to recordation of Property, the Applicant and technical staff to make a final determination as to the total number of lots on the Property. The lots are to be reflected on the final record plat and are to be recorded among the land records.

(7) Terms and conditions of access to be approved by MCDPW&T prior to recording of plats.

(8) Prior to recording of plats, submit for technical staff approval the Home Owner's Association and Site Plan Enforcement documents.

(9) Dedication of Willard Avenue and Friendship Boulevard as shown on plan.

(10) Conditions of MCDPS storm water management approval dated 1-22-99.

(11) No clearing, grading or recording of plats until site plan approval.

(12) Final number and location of dwelling units, TDR's and building location/orientation to be reviewed at site plan stage.

(13) Other necessary elements.

(14) The validity of Preliminary Plan No. 1-99039 is dependent upon the Applicant proceeding with and abiding by the conditions of approval for Zoning Application G-760. In the event that any inconsistency between the conditions of approval for Zoning Application G-760 or the conditions of approval for the preliminary plan arise, the most restrictive conditions shall apply.

(15) Applicant to revise the preliminary plan to delineate the proposed Ball Field with 180 foot foul lines and an additional setback of 100 feet from any dwellings, 25 feet of which must be dedicated as an open space buffer for the Ball Field.

(16) Grading at the boundary of the Enlarged Brookdale Park shall be in accordance with the Applicant's concept drawing dated 2-10-99. Final grading plan to be reviewed and approved at site plan.

(17) Approval of the preliminary plan is contingent upon the Applicant's first entering into an interim extension of the existing lease and a new lease with M-NCPPC for the Enlarged Brookdale Park. Negotiations for the new lease shall commence by April 30, 1999 prior to dedication of the park areas as required by the conditions of approval for Zoning Application G-760.

(18) Provide details of Ball Field lay-out with site plan submission. Details shall include field dimensions, team and visitor area designations and fence construction details for the area abutting Western Avenue to prevent foul balls from entering the roadway.

(19) The Preliminary Plan will remain valid until June 13, 2002 (37 months from the date of mailing, which is May 13, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for extension must be filed.

g:\opinions.geico

DATE MAILED:

Novemeber 24, 2025

MCPB No. 25-112
Preliminary Plan No. 11999039A
Friendship Commons (Geico)
Date of Hearing: October 23, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion dated May 13, 1999, approved Preliminary Plan No. 119990390, for a phased development consisting of 810,000 square feet of commercial office space and 500 dwelling units on 26.5 acres of land in the TS-M and R-60/TDR zones, located in the southwest quadrant of the intersection of Willard Avenue and Friendship Boulevard ("Subject Property"), in the Friendship Heights Policy Area and 1998 Friendship Heights CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on June 25, 2025, Patrick Flynn ("Applicant") filed an application for amendment of approved Preliminary Plan No. 119990390 to remove the previously approved commercial office density, establish a new Preliminary Plan validity period and adequate public facilities ("APF") validity period for the residential density on the Subject Property, and waive the requirement for approval of a stormwater management concept plan at this time per Subdivision Regulation Sections 50-4.2.B.2.c and 50-4.3.H.; and

WHEREAS, Applicant's application to amend the Preliminary Plan was designated Preliminary Plan No. 11999039A, Friendship Commons (Geico) ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 13, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 23, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Vice Chair Linden, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

Exhibit 4

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11999039A to remove the previously approved commercial office density, establish a new Preliminary Plan validity period and APF validity period for the residential density on the Subject Property, and waives the requirement for approval of a stormwater management concept plan at this time per Subdivision Regulation sections 50-4.2.B.2.c and 50-4.3.H. by adding/deleting/modifying the following conditions:[1]

Modified Conditions

1. Prior to the recording of plat(s), Applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 500 dwelling units. The Applicant shall provide Local Area Transportation Review improvements as outlined in the Transportation Planning Division staff memorandum dated 2-5-99 as amended 2-19-99 and recorded in the Planning Board Opinion dated May 13, 1999. [Note: The remaining sections of Condition No. 1, paragraphs a through e, remain in full force and effect unless or until reviewed and amended by future applications]

11. [Deleted]

19. The Preliminary Plan will remain valid until June 13, 2036. 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 pursuant to the following development phasing schedule:
    a. Within three (3) years (by June 13, 2029): a minimum of 50 units (10% of proposed units)
    b. Within six (6) years (June 13, 2032): a minimum of an additional 75 units (25% of proposed units)
    c. Within nine (9) years (by June 13, 2035): a minimum of an additional 100 units (45% of proposed units)
    d. Within ten (10) years (by June 13, 2036): a total 500 units (100% of proposed units)

New Conditions

20. Adequate Public Facilities
    The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid until June 13, 2036, subject to the same development phasing schedule approved for the Preliminary Plan validity period in Condition 19.

[1] For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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

22. Future Regulatory Plan Approval Required
Prior to, or concurrent with, submittal of any future Site Plan, the Applicant must submit another Preliminary Plan Amendment which addresses, at a minimum:

a. Compliance with Chapter 19 Stormwater Management requirements;
b. Compliance with 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; and
g. Required coordination/submittals with the District of Columbia Department of Transportation.

Record Plat

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

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Please review the following information before submitting your complaint.

Tell Us About Yourself

Anonymous: No

Confidential: No

Name: Fultz, I. Allison

Address: 4509 Dalton Road
Chevy Chase, MD 20815

Phone: (Daytime) 301-648-7398
(Evening) None

Email: allison.fultz@verizon.net

Site: 5260 Western AVE

Complaint: Brookdale Citizens Association, Inc., joins the complaint filed by the Village of Friendship Heights on 8/9/2026, in accordance with Zoning Ordinance § 59.7.2.1.J.1., having reasonable cause to believe that there is ongoing noncompliance with a Binding Element of LMA G-760 covering real property owned by GEICO, which is under a contingent contract of sale to Friendship Commons Partners, LLC (FCP). The LMA Preamble states that the Binding Elements apply to GEICO's 26.5 acre tract and all successors in interest or assigns. Either GEICO failed to provide in its contract for sale of the property the notice required under Binding Element No. 10, or if it did, FCP is proceeding in disregard of that notice with redevelopment plans for the property in violation of its obligation to comply with the Binding Elements. The Brookdale community, which abuts the GEICO site along the entirety of GEICO's southwestern property line (some 1100 linear feet), requests, pursuant to § 59.7.2.1.J.1. & 2., that DPS issue a notice of noncompliance addressed to GEICO and FCP for referral thereunder to the Office of Zoning and Administrative Hearings for a hearing to show cause.

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November 13, 2026

(via email: rabbiah.sabbakhan@montgomerycountymd.gov)
Rabbiah Sabbakhan, Director
Department of Permitting Services
2425 Reedie Drive
Wheaton, Maryland 20902

Re: Noncompliance Complaint Filed with DPS

Dear Director Sabbakhan:

I write on behalf of the Village of Friendship Heights to enclose a more detailed and documented copy of a complaint filed by Francine Klein, Vice Chair of the Council of the Village of Friendship Heights, submitted earlier today in the DPS online complaint filing system in accordance with the procedure set forth in Zoning Ordinance § 59.7.2.1.J., Compliance and Enforcement of Local Map Amendments.

I am also enclosing a copy of my letter to County Executive Elrich notifying him of this filing and the Village's intention to obtain a definitive ruling from the Executive Branch on the complaint. Based on undisputed facts set forth in the complaint, the Village submits it has demonstrated reasonable cause to believe that GEICO and its contract purchaser are in violation of Binding Elements imposed on the GEICO property by the District Council rezoning in Local Map Amendment G-760, issued in 1998.

This issue is a matter of current and major importance to the elected leadership of the Village and it residents. The more complete attached version of the complaint supplements the online version with background information and documentation of the complaint, to include a brief Ordinance-based explanation of why the 2014 Zoning Rewrite protected the continuing vitality of pre-Rewrite Binding Elements.

The complaint process detailed in § 59.7.2.1.J. mirrors that employed in LMA-858, a 2007 District Council rezoning that included Binding Elements. In 2011, the DPS Zoning Manager reported a claim of noncompliance with Binding Elements in LMA-858 to OZAH. OZAH ordered a show cause hearing, which resulted in the Hearing Examiner's Report and Recommendation that the noncompliance be sanctioned, in that case with reversion of the property from the townhouse zone sought in the rezoning back

to the R-60 zone. LMA-858-SC (July 20, 2011). In this case, the Village is seeking compliance with the Binding Elements, not the drastic sanction of zone reversion.

As the Village and I see it, the proper role of DPS in response to the complaint is not to resolve the dispute, but only to determine whether there is reasonable cause to believe that the matter should be referred to the Hearing Examiner for a public hearing and a report and recommendation to the District Council. I firmly believe the complaint plainly meets this "reasonable cause" standard.

I am available to answer and questions or concerns you may have about the Village's filing. We hope for a prompt resolution of this matter.

Sincerely yours,

David W. Brown
Counsel for the Village of Friendship Heights

Enclosure: DPS Complaint and 4 Exhibits
Letter to the County Executive