



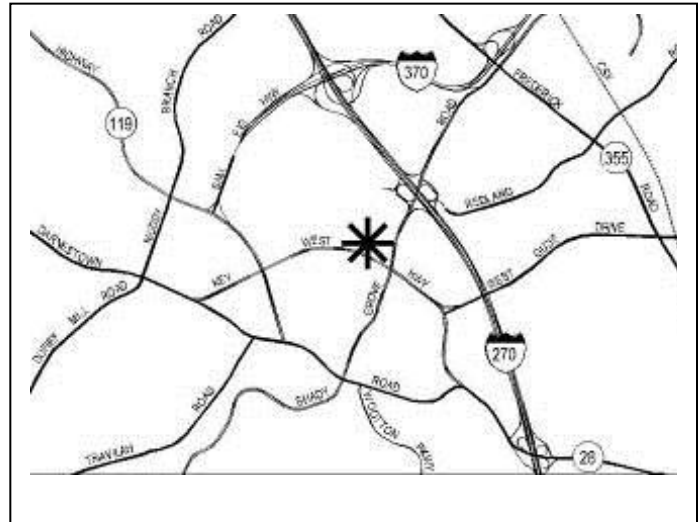
Preliminary Plan No. 120120180, Site Plan No. 820120130, Mallory Square

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Date of Staff Report: 1/11/13

description

- Application to record two new lots and one outlet to allow a maximum of 800,000 square feet of development to allow for construction of two new buildings for up to 796,500 square feet of new multi-family residential uses, for up to 682 units, including a minimum of 13.63% MPDUs, and up to 3,500 square feet of retail uses, with public use space, residential amenity space, structured parking, and public benefits; construction of master-planned Road B-9; and dedication of master-planned Road B-10;
- On 12.81 gross acres, zoned CR1.5, C1.5, R1.5, H100;
- Located in the southeast quadrant of the intersection of Omega Drive and Research Boulevard within the Great Seneca Science Corridor (GSSC) Master Plan area;
- Filing Date: 6/20/12;
- Applicant: Woodfield/Meridian Shady Grove, LLC.



summary

- Staff recommends approval of the Preliminary and Site plans with conditions.
- Staff recommends approval of the Parking Waiver request for waiver from the maximum parking requirements of the CR Zone.
- The Planning Board previously approved Sketch Plan 320120010 by resolution dated February 2, 2012. There are two modifications to the binding elements with the Site Plan: the location of the vehicular access points has changed, and the public benefit, Neighborhood Services, has been removed per the Applicant's request, however, the application does qualify for an alternative public benefit, Public Art.
- The Preliminary Plan will establish the lots and dedications for the rights-of-way to accommodate the ultimate multi-modal vision of the fronting streets, and will allow a total of 800,000 square feet, including 3,500 square feet of retail and 796,500 square feet of residential uses. The Project will be built in two phases and the Site Plan provides the required public use space and public benefits, including structured parking facilities, tree canopy, and public parking, which have been analyzed according to the objectives of the Master Plan and the previously approved sketch plan.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120120180 subject to the following conditions:

1. Approval is limited to two lots and one outlot with a maximum density of 800,000 square feet of total development, which includes up to 796,500 square feet of residential uses for up to 682 multi-family units, including a minimum of 13.63% moderately priced dwelling units (MPDUs), and up to 3,500 square feet of retail uses.
2. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 200-foot right-of-way (100 feet from centerline along the Subject Property frontage) for Key West Avenue (MD 28).
3. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 100-foot right-of-way (50 feet from centerline along the Subject Property frontage) for Omega Drive.
4. The Applicant must dedicate, and the record plat must reflect, the right-of-way for B-9 as shown on the Preliminary Plan.
5. The Applicant must dedicate, and the record plat must reflect, the right-of-way for B-10 as shown on the Preliminary Plan.
6. The Applicant must construct B-9 that crosses through the site. The Applicant must work with the Maryland State Highway Administration (SHA) regarding the existing and future permitted turning movements from B-9 at their intersections with Key West Avenue considering the status of the opposite curb cuts and Key West Avenue's median.
7. The Applicant must enter into a covenant for future construction equal to the prorata share for the cost of B-10. The prorata share will be determined by the Montgomery County Department of Transportation (MCDOT) at the time that B-10 is constructed. B-10's construction must include closing the existing curb-cut from Key West Avenue and providing an alternative set of curb-cuts along the east side of B-10 into the parking area serving the adjacent property owner as shown on the "Street B10 Grade Establishment Plan Sta. 0+00 to Sta. 5+10.43" prepared by VIKA Maryland, LLC and dated August 2012. These access points and movements must be approved by MCDOT and Montgomery County Fire and Rescue at the time of construction of B-10. The Applicant must work with SHA regarding the existing and future permitted turning movements from B-10 at their intersections with Key West Avenue considering the status of the opposite curb cuts and Key West Avenue's median.
8. The Applicant must accommodate within the proposed reduced-width right-of-way of 64 feet for B-10, all the required cross-sectional design elements.
9. At the time that B-10 is constructed, the Applicant or its designee must prepare and submit a traffic signal warrant study to MCDOT for a possible installation at the intersection of B-10 and Research Boulevard. If warranted, the Applicant or its designee must pay MCDOT a pro-rata share of the cost to install the traffic signal, which pro-rata share shall be determined in the same manner as the Applicant's cost for B-10 as set forth in Condition No. 7.
10. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test to mitigate 44 new peak hour trips by providing for transportation infrastructure improvements within the R&D Village Policy Area as follows:
 - a. Contributing to the Montgomery County Department of Transportation (MCDOT) a maximum of \$351,000 (or \$11,700 times the first 30 new peak-hour trips) for unidentified transportation infrastructure improvements. The PAMR payment must be made prior to issuance of any use and occupancy permit.

- b. Constructing at least \$163,800 (or \$11,700 times 14 new peak-hour trips) worth of off-site transportation-related improvements that may include the off-site Local Area Transportation Review (LATR) intersection improvements required as part of this approval. The improvements must be under permit and bond by the Montgomery County Department of Permitting Services (DPS) prior to issuance of any building permit.
11. The Applicant must satisfy the LATR test by providing the following off-site intersection improvements:
 - a. Reconfigure the left-most through lane to be a second left-turn lane on southbound Omega Drive at the intersection with Key West Avenue (MD 28).
 - b. In coordination with the City of Rockville, restripe the right-most through lane to be a combined second right-turn and through lane from westbound Research Boulevard onto northbound Shady Grove Road.
12. The Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management District (TMD) and assist the Transportation Management Organization (TMO) in achieving the 2010 *Great Seneca Science Corridor Master Plan's* Stage 2 non-auto driver mode share goal of 18%. The Traffic Mitigation Agreement must be executed prior to the release of any residential building permit.
13. The Applicant must clearly designate and separate visitor parking spaces from residential parking within each garage such that residents are restricted from parking in visitor spaces.
14. The Applicant must accommodate the master-planned "signed shared roadway" on Omega Drive along the property frontage by widening the outside lane to 14 feet if the outside lane is not already 14 feet wide. The County will stripe or designate the signed shared roadway when functional.
15. The Planning Board has accepted the recommendations of the MCDOT in its letter dated October 25, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
16. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
17. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated August 27, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
18. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
19. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("DPS") stormwater management concept approval letter dated July 6, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
20. The Subject Property is located in the Gaithersburg High School Cluster. The Applicant must make a School Facilities Payment to the Montgomery County Department of Permitting Services at the elementary and middle school levels. The Applicant will be required to pay at the "highrise/midrise with/structured parking" residential unit rate for all units for which a building

permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code. The timing of the payment is determined by DPS.

21. The Applicant must comply with the Final Forest Conservation Plan as approved with the Site Plan.
22. Except for demolition of the existing structure, no clearing and grading of the site or recording of plats prior to certified site plan approval.
23. Final approval of the number and location of buildings, dwelling units, on-site parking, and site circulation will be determined at site plan.
24. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.
25. The Certified Preliminary Plan must contain the following note: "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 site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
26. All necessary easements must be shown on the Record Plat.
27. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of 800,000 square feet of mixed-use development including 3,500 square feet of non-residential development and 796,500 square feet of residential uses with 682 residential units on approximately 12.81 gross acres in the CR1.5 C1.5 R1.5 H100 zone. All site development elements as shown on the site plan stamped by the M-NCPPC on January 4, 2013 and the landscape, lighting, and architectural plans stamped by the M-NCPPC on August 22, 2012 are required except as modified by the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan 320120010 approved by the Planning Board by a Resolution dated February 2, 2012, except as amended by this Site Plan.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120120180.

3. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one. Each public benefit must be verified by Staff to be complete as required by the submittals listed for each prior to issuance of any use-and-occupancy permit for the associated building, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

a. Transit Proximity

b. Affordable Housing

c. Structured Parking

d. Public Art

- Provide final payment of \$100,000 to the Arts and Humanities Council. 50% of the payment will due prior to issuance of a core-and-shell building permit for the first building to be constructed on the site and 50% of the payment will be due prior to issuance of any core-and-shell building permit for the second building to be constructed on the site.

e. Public Open Space

f. Exceptional Design

g. BLTs

- Purchase or payment for 1.3024 Building Lot Terminations is required with 50% of the purchase or payment due prior to issuance prior to issuance of any building permit for the first building to be constructed on site and 50% of the purchase or payment due prior to issuance of any building permit for the second building to be constructed on the site. Documentation to be provided to Staff.

h. Tree Canopy

- Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings. (Seasonal)

- i. Cool Roof
 - Provide as-built roof plans showing coverage of roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

4. Transportation

The Applicant must provide a minimum of 224 bicycle parking spaces as follows:

- a. 200 private bike lockers or secured bicycle parking spaces with 100 spaces located in each of the two garages in a well-lit area near the elevator or the garage entrance;
- b. Two (2) non-residential spaces, one per building; and
- c. Twenty-two (22) bicycle parking spaces as follows:
 - 1) Sixteen (16) spaces total with eight (8) spaces located near the main entrance of each building;
 - 2) Four (4) spaces located at the open space at the corner of the Omega Drive/Key West Avenue intersection; and
 - 3) Two (2) spaces located near the main entrances of the ground-floor retail spaces.

Final location and facility details to be determined by Certified Site Plan.

5. Environment

- a. The Applicant must submit and receive Staff approval of a revised Forest Conservation Plan that specifies the location and species of the eight (3" caliper) native trees planted on-site as mitigation for the removal of three Section 22A-12(b)(3) variance trees.
- b. The Applicant must submit a Certificate of Compliance for the purchase of off-site reforestation/afforestation credit in an approved forest mitigation bank which must be approved by the Planning Department Associate General Counsel's office and recorded in the Montgomery County Land Records prior to any clearing and grading occurring on site.

6. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 13.63 percent MPDUs in accordance with an Agreement to Build with the Department of Housing and Community Affairs ("DHCA").
- b. The MPDU agreement to build must be executed prior to the release of any building permits.

7. Recreation Facilities

The Applicant must provide at least the following recreation facilities for each building as shown on the Site Plan, conforming to the Recreation Guidelines approved by the Planning Board in September 1992:

- a. Indoor Community Space;
- b. Swimming Pool;
- c. Pedestrian System;
- d. Indoor Fitness Facility; and
- e. Four Picnic/Sitting Areas.

8. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

9. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

10. Financial Security and Agreement

Prior to issuance of first building permit within each relevant phase of development, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, exterior site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the certified site plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Planning Board resolution approving this Site Plan on the approval or cover sheet.
- b. Remove unnecessary sheets.
- c. Make corrections and clarifications to details, incentive density calculations, recreation facilities, labeling, data tables, and schedules.
- d. Ensure consistency of all details and layout between architecture, site, and landscape plans.

TABLE OF CONTENTS

SECTION 1: CONTEXT AND PROPOSAL	10
SITE DESCRIPTION	10
PROJECT DESCRIPTION	12
COMMUNITY OUTREACH	19
SECTION 2: PRELIMINARY PLAN REVIEW	19
MASTER PLAN	19
ADEQUATE PUBLIC FACILITIES REVIEW	22
COMPLIANCE WITH THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS	26
ENVIRONMENT	26
SECTION 3: SITE PLAN REVIEW	30
ENVIRONMENT & MASTER PLAN	30
DEVELOPMENT STANDARDS	30
FINDINGS	31
ATTACHMENTS	42
A. Sketch Plan Resolution	
B. Preliminary Plan	
C. Final Forest Conservation Plan	
D. Letter from County Arborist, Forest Conservation Plan, and Variance Request	
E. Applicable Master Plan Sections	
F. Agency Letters	
G. Public Arts Trust Fund – Arts and Humanities Council Letter	

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

The subject site occupies the majority of the block bounded by Omega Drive, Research Boulevard, Shady Grove Road, and Key West Avenue in the LSC North District of the Great Seneca Science Corridor (GSSC) Master Plan area. Two master-planned business streets that will create three blocks split this large block: the subject site comprises the western two future blocks. Tech Center Associates comprises the eastern-most future block.

The site is immediately surrounded by office parks, hotels, and limited retail/restaurant and residential uses. To the north, across Research Boulevard, are a hotel and offices of the Shady Grove Executive Center. To the east, past the Tech Center Associates site and across Shady Grove Road is a hotel. To the south, across Key West Avenue are the office buildings of the Key West Corporate Center. To the west is the Decoverly Hall office and residential development.

The site is located within ½ mile of three different master-planned Corridor Cities Transitway Stations: Crown Farm, Danac, and Hospital. The master-planned LSC Loop Shared-Use Path will run along the western side of Omega Drive.



Vicinity Map

Site Analysis

The subject site comprises 12.81 gross acres currently improved with the Bureau of National Affairs office building, surface parking, and a stormwater management facility. The remainder of the block houses offices, a bank, and surface parking. The BNA building is approximately 115,880 square feet in size.



Aerial Photo

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Sketch Plan 320120010 by Resolution dated February 2, 2012 (Attachment A). This approval established several binding elements on the entire 12.81 gross tract acre site:

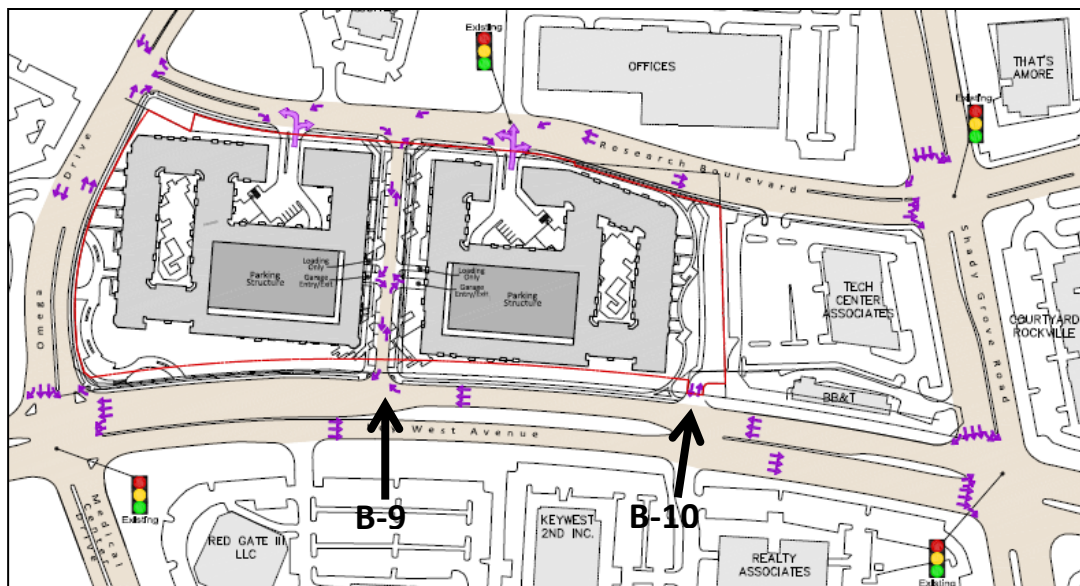
1. Maximum total density of 837,147 square feet, including up to 10% of the floor area for commercial uses and maximum height of 70 feet however, architectural design elements of the development are allowed to a maximum of 90 feet in the CR1.5 C1.5 R1.5 H100 zone;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space (green areas shown below);



Open Space Summary:

- 10% public use space required (45,786sf);
- 13% open space provided as public benefit (59,200sf);
- Off-site streetscape required (78,859sf); and
- Passive/active recreation space required (5,000sf per building).

4. General location of vehicular access points (shown below); and



5. The categories of public benefits:

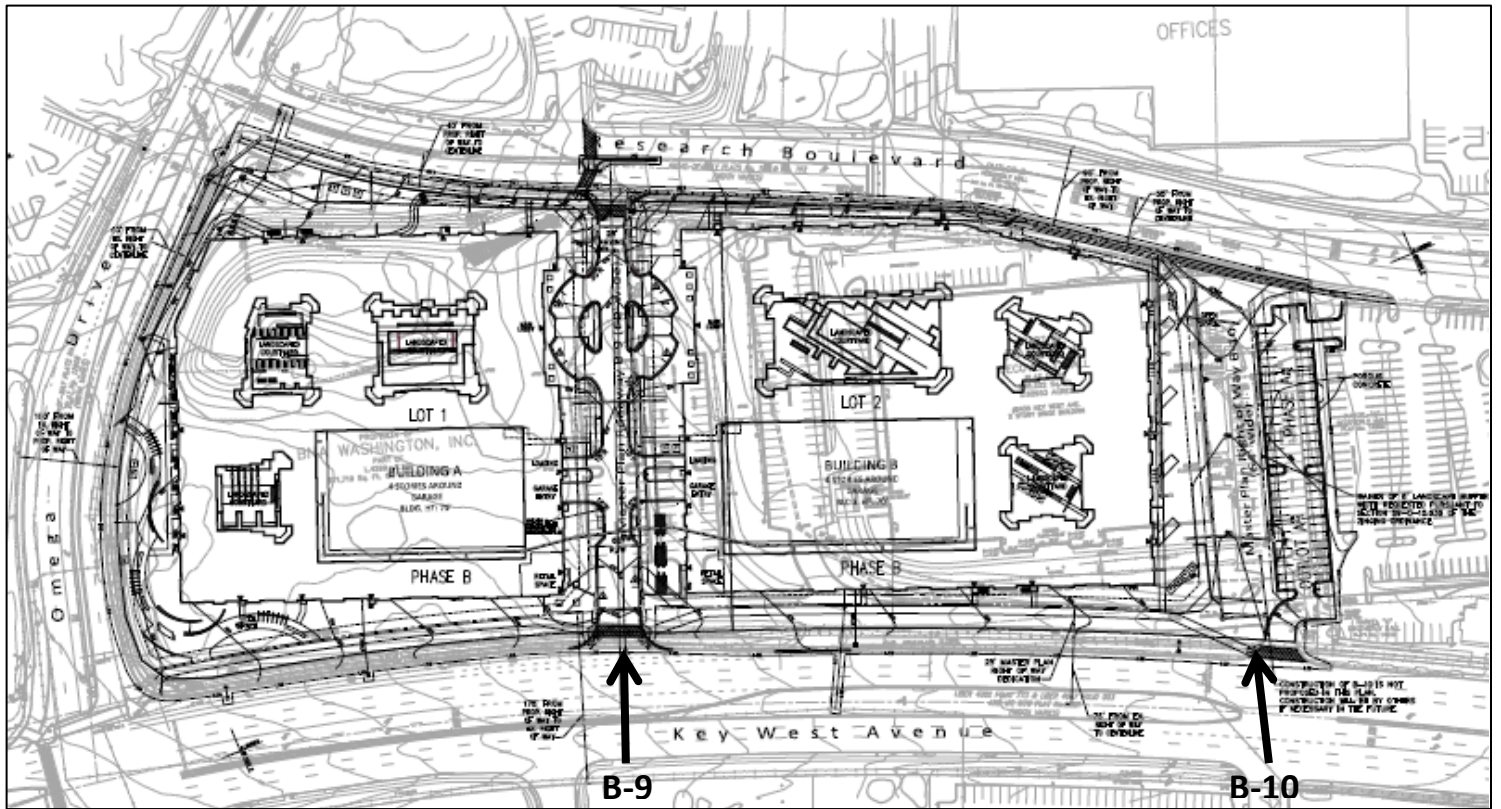
<i>Detailed Public Benefit Table</i>	
Public Benefit	Points Requested
Transit Proximity Category	
¼- ½ mile from Level 2 CCT Station	20
Greater than 75% of the subject site is within ½ mile of a CCT Station.	
Connectivity & Mobility Category	
Neighborhood Services	10
The proposed development must provide basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Ordinance and Guidelines during site plan review. *Although previously approved at Sketch Plan, this Public Benefit is no longer being claimed by the Applicant. The Project still has sufficient points to support the proposed density and height.	
Diversity Category	
Affordable Housing	12
Provision of 13.5% MPDUs; 1% over 12.5% = 12 points.	
Quality Design Category	
Structured Parking	9
Project provides parking within the existing structure, final points established during site plan review.	
Public Open Space	20
Provision of 10.1% additional open space (above the 10% required).	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5*
Under the Ordinance, the square feet equal to 5% of the incentive density must be calculated to determine the BLT purchase requirement: $((575,787\text{sf incentive density} \times 0.05) / 20,000) = 1.44$ BLTs *The incentive density requested at site plan is 520,951 sq. ft.; therefore, the BLTs purchase requirement is 1.3023.	
Tree Canopy	10
Coverage of 25% of on-site open space with tree canopy at 15 years of growth	
Cool Roof	10
Project will provide 60-85% of roof not covered with vegetation as cool roof with solar reflectance index of 75 (for low slope roofs). Final points established during site plan review.	
Total	106

These binding elements, as shown on the sketch plan, are subject to conditions and modification at site plan per Section 59-C-15.43(d).

Proposal

Subdivision

The Preliminary Plan (Attachment B) will create two lots and one outlot to allow for a maximum density of 800,000 square feet of development with up to 796,500 square feet of residential uses, including up to 682 units and up to 3,500 square feet of retail uses. Additional dedication is required for Omega Drive, Key West Avenue (MD 28), B-9, and B-10. All roads will be public as envisioned by the Sector Plan. The Applicant is proposing to construct two multi-family residential buildings with two internal parking structures.



Preliminary Plan

Building

The proposed development has evolved and changed marginally since the approved Sketch Plan that was reviewed and approved by the Planning Board in February of 2012. Changes include the shifting of both Buildings A and B, and B-9 slightly west on the site. This was done so that B-10 is now located entirely on the Subject Property at the request of the adjoining property owner. The garage and visitor entrance and loading entrances for both buildings have been relocated from Research Boulevard, at the request of Staff, and are now located off of B-9. The main lobby entrances to each building are also now located off of B-9.

The proposed buildings are each roughly centered on the two proposed lots, and the buildings are near mirror images with regard to floor plan: footprints encircling internal open spaces and structured parking. Units at grade have access to the sidewalks on the eastern and western facing facades; the units along Key West Avenue are setback further due to the high traffic volume on this road. Small retail bays will occupy the interior southern corners of the buildings facing Key West Avenue and B-9.



Illustrative Plans

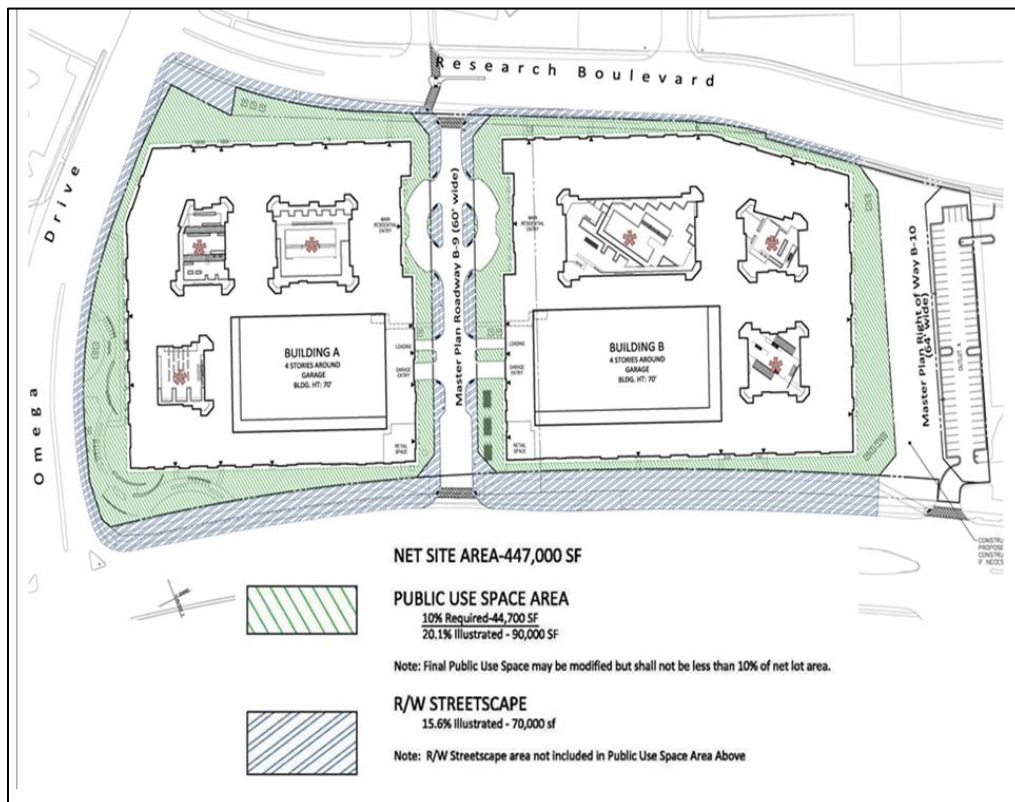


Building A is located on the western half of the Property, directly west of Building B and separated from Building B by B-9 that will be constructed by the Applicant as part of the Project. Building A is 398,500 square feet and contains 316 dwelling units, 43 of which will be MPDUs and 1,850 square feet of retail uses located on the southeastern corner of the building at the corner of Key West Avenue and B-9. The building will be approximately 70 feet, or four stories in height for occupiable space, however design elements of the Project are limited to a maximum height of 90 feet. The façade of the building will be composed of brick and fiber concrete paneling.

Building B is located on the eastern half of the Property and is 381,500 square feet with 366 dwelling units, 50 of which will be MPDUs and 1,650 square feet of retail uses located at the southwestern corner of the building. The building will be approximately 70 feet in height for occupiable space; however, design elements of the Project are limited to a maximum height of 90 feet. Similar to Building A, the façade of the building will be composed of brick and fiber concrete paneling.

Open Space

The proposed open space concept features a diverse range of public and private spaces. The key public spaces are at the corner of Omega Drive and Key West Avenue, in front of the two retail bays and along B-9, and along the eastern edge of the property between Research Boulevard and Key West Avenue. Each area has been designed with a distinct vocabulary: curved versus angular, open versus intimate, or active versus passive. These public spaces are divided between on-site public use space required by the zone, open space provided as a public benefit for incentive density, and off-site streetscape along the frontages of each abutting right-of-way.



Open Space Plan

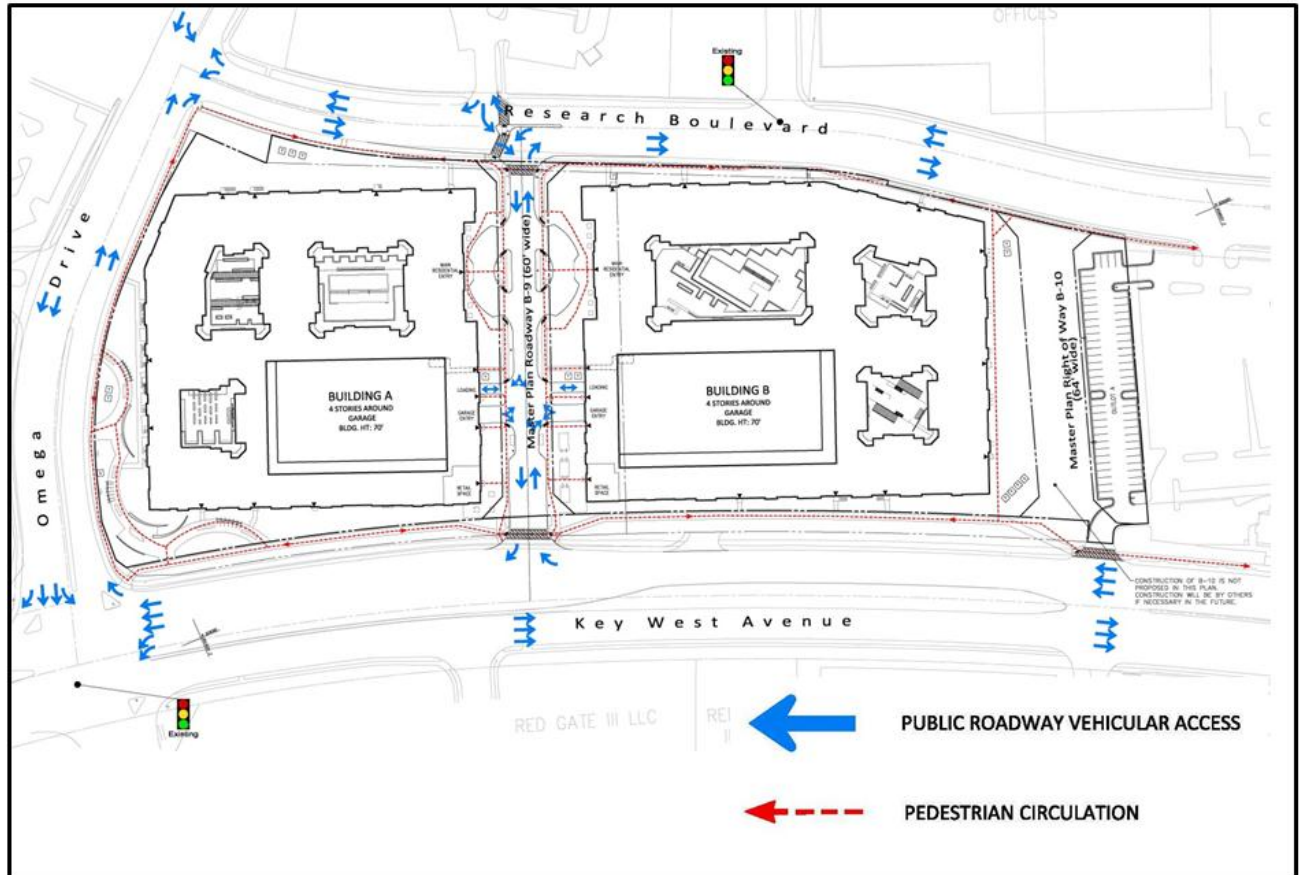


Landscape Plan

The private spaces are focused on entry plazas and interior recreation spaces. As the zone requires, a minimum of 5,000 square feet of outdoor space will be provided for each building. These areas will be improved with amenities such as seating areas, swimming pools, trellises, plantings, and lighting.

Circulation

The vehicular access to the site has changed since Sketch Plan approval. At Sketch Plan, the access points to the site were limited to two entrances for each building: to the garage and loading areas from B-9 and to the garage and visitor parking area from Research Boulevard. Vehicular access to the site is now limited to one entrance for each building, with all entrances to the garage, visitor parking area and loading areas for each building from B-9. Pedestrian and bicycle access is provided at numerous points from perimeter sidewalks to individual units, the retail bays, and the main lobby entrances. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances. Most vehicular parking will be within structures with some along the western side of B-9 and at the main entrance lobbies.



Vehicular and Pedestrian Circulation Plan

Public Benefits

The Sketch Plan for this site was approved with various public benefits listed above. Staff has recommended changes to these public benefits based on the details of the preliminary and site plans as discussed in the Findings. As the conditions and findings are recommended, the proposed development will provide at least the following public benefits:

- Transit Proximity
- Affordable Housing
- Structured Parking
- Public Art
- Public Open Space
- Exceptional Design
- BLTs
- Tree Canopy
- Cool Roof

These public benefits will total over 100 points and meet the necessary category requirement under Section 59-C-15.15, as detailed below.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. In addition to the pre-submittal community meeting held, the Applicant negotiated with Tech Center Associates (neighboring property owner) for several months—including having meetings with M-NCPPC staff and Tech Center Associates to discuss the new location of B-10 as shown on the plans. In addition, the Applicant has kept the owner of the parcel to the south of Tech Associates advised of any changes to the plans and copies of the revised plans for Research Boulevard have been provided to the owners of the hotel located to the north of the Project. The Applicant also presented the Project to the GSSC Implementation Advisory Committee on September 11, 2012.

SECTION 2: PRELIMINARY PLAN

MASTER PLAN

Development Issue: Master Planned Right-Of-Way B-10

B-10, or Road "I", is a recommended 70-foot-wide right-of-way. B-10 is shown in the Master Plan as connecting Research Boulevard and Key West Avenue and is shown relatively close to the existing property lines of the Subject Property and the adjoining Tech Center Associates property. For this type of scenario, when possible and practical, applicants have been required to locate the centerline of a right-of-way in a way that adjoining properties will share equal responsibility in dedication and construction, if or when they develop.

This was the recommendation from Staff at the Development Review Committee (DRC) meeting when this proposed plan was reviewed. Subsequent to the DRC meeting, the Applicant met with the adjoining property owner to continue negotiations on this project. At the adjoining property owner's request, the Applicant is providing full dedication of B-10 on the Subject Property in addition to creating an outlot (Outlot A) to be paved and striped for parking. Title to Outlot A will be retained by the Applicant, subject to an easement in favor of the adjoining property owner to the east of Outlot A. When B-10 is constructed, between Key West Avenue and Research Boulevard, the existing curb-cut from Key West Avenue must be closed, and an alternative set of one-way curb-cuts must be provided along the east side into the proposed parking area to serve as access from B-10 for the adjacent property owners.

The Applicant is also requesting that B-10 be dedicated as a 64-foot-wide right-of-way instead of the 70 feet identified by the Master Plan. The proposed 64-foot-wide right-of-way can still accommodate the cross section that was envisioned by the Master Plan except for additional space for a small green panel that was envisioned. The Applicant is proposing numerous plantings and open space adjacent to the B-10 right-of-way, which acts as the green panel that would otherwise be missing. No travel lanes are proposed to be reduced as part of the proposed reduction in right-of-way width.

Due to the lower traffic volumes expected on B-10, the interchange at the intersection of Shady Grove Road and Key West Avenue, as recommended by the Master Plan, the likelihood that SHA will not allow a median break in Key West Avenue, and the plantings and open space that will substitute for the small green panel that was envisioned, Staff supports the Applicant's proposal to reduce the right-of-way to 64 feet with the condition that all the required cross-sectional design elements can be accommodated with the reduced right-of-way.

Since B-10 would have typically been located half on the Subject Property and half on the adjoining property, Staff is requiring the Applicant to enter into a covenant for future construction of their prorata share of B-10, which is consistent with the Montgomery County Department of Transportation requirement. At least the same will be required from the adjoining property owner if and when that property comes in for redevelopment.

General Recommendations

The project is located within the North District of the Life Science Center (“LSC”) of the Great Seneca Science Corridor (“GSSC”) Master Plan area. The specific language on the LSC North District of the Master Plan is included in Attachment E. The Master Plan provides the following general applicable recommendations for the Subject Property on pages 9-11:

- Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests;
- Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation;
- Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality; and
- Support the County’s Agricultural Reserve with zoning that requires acquisitions of Building Lot Termination (BLT) easements to achieve maximum densities.

There is a shortage of housing in the Master Plan area, and the proposed development, which will be near a planned CCT station, will add to the housing stock at a strategic and convenient location in the LSC. The proposed pedestrian linkages will tie into the overall LSC pedestrian circulation system, as well as the LSC Loop recreational trail. As part of the Site Plan, the proposed development has several design elements that help achieve the Master Plan goals regarding sustainability and energy conservation. The proposed plan will support the Agricultural Reserve through its acquisition of BLTs. The final number of BLTs will be determined at site plan review.

Six objectives are elucidated on pages 15-16 of the Master Plan to help implement the Plan’s vision. The following two are applicable for the Subject Property:

- Mixed-use development is emphasized; single purpose or free-standing retail buildings are inconsistent with the Plan’s vision in any phase of development.
- Structured parking should be hidden from the street; although surface parking is inconsistent with the Plan’s vision, it is anticipated and acceptable on an interim basis.

The proposed development is a mix of residential and retail uses, and the two parking garages are contained within the interior of the proposed buildings and hidden from the street as the Master Plan recommends.

Climate Protection and Sustainability

The Master Plan lists goals for climate protection and sustainability. Specifically the Master Plan envisions a standard for sustainability that reflects the LSC’s cutting edge science (page 25), and makes a number of recommendations to reduce development’s carbon footprint (page 29). These recommendations include

site and building design and orientation that takes advantage of passive solar heating and lighting and passive cooling opportunities and commitments to reduce energy and water consumption.

The Applicant proposes the following to contribute to the Master Plan's sustainability, climate protection, air quality and water quality goals:

- a. Site Selection, reusing a site with an existing building and surface parking lots;
- b. Development Density and Community Connectivity has been enhanced;
- c. Close to Public Transportation;
- d. Provide Bicycle Storage;
- e. Provide future charging stations for Electric Vehicles;
- f. Roof and Landscaping will reduce heat island effect;
- g. Project will have water efficient landscaping;
- h. MPE Systems will optimize Energy Performance;
- i. Construction Waste Management practices will be followed by general contractor (GC);
- j. Recycled Content will be used;
- k. Regional materials will be used;
- l. Low-Emitting Material will be used;
- m. Controllability of Lighting and HVAC systems will be optimized;
- n. Daylight and Views will be optimized;
- o. Owner will provide tenants with education about building systems to optimize tenant use of HVAC and Lighting.

Housing

The Master Plan encourages the provision of housing to improve the area's jobs-housing balance. The Plan recommends a range of housing options to help meet County housing goals, including Moderately Priced Dwelling Units and workforce housing (page 23). The Plan proposes 13.63% MPDUs as part of their CR zone public benefit schedule.

Staging Considerations

According to the Master Plan, converting from non-residential to residential development is exempt from the Master Plan's staging requirement, as long as the residential project does not increase the number of already approved vehicle trips. As stated on page 77 of the Master Plan:

"The 3.7 million square feet of development in the pipeline is not subject to the Plan's staging requirements unless a project's Preliminary Plan expires. The owner of a property approved for commercial development may re-subdivide and convert to residential development and still be exempt from staging provided that the change in development will not increase the number of vehicle trips."

The Applicant is proposing to convert the existing 115,858 square feet of commercial uses into 3,500 square feet of retail uses and 796,500 square feet of residential uses, which include 682 multi-family units. The amount of new commercial capacity that was available in stage one has been requested and allocated by previous approvals. Therefore, no new commercial capacity is available for the retail portion of the proposed development. Therefore, the Applicant is first subtracting the 3,500 square feet of existing commercial uses to cover the retail portion of the development. This leaves 112,358 square feet of commercial uses to convert to residential uses as permitted by the Master Plan. The 112,358 square feet of commercial uses equates to 371 multi-family units. Thus, 371 of the 682 residential units will be exempt

from the residential staging requirements of the GSSC Master Plan, and, therefore, 311 of the 682 residential units proposed will count against the Master Plan stage one limit of 2,500 dwelling units.

Site Specific Recommendations

The Master Plan has the following recommendations that are specific to the Subject Property on pages 48 and 49:

- Encourage mixed-use infill for the Bureau of National Affairs (BNA) site;
- Rezone BNA property from O-M Zone to CR Zone – CR1.5 C1.5 R1.5 H100;
- Residential uses are encouraged, as are pedestrian-oriented local retail facilities that are compatible with and provide convenience for residents;
- Public benefits that improve connectivity and mobility or add to the diversity of uses and activity are encouraged;
- The sidewalk and pedestrian improvements as shown, with final locations to be determined at Site Plan review;
- 100-feet of right-of-way for Omega Drive;
- 200-feet of right-of-way for Key West Avenue; and
- Dedication of master planned business district streets B-9 and B-10.

The Applicant is providing a mixed-use development on the Subject Property. The proposed development is primarily residential, which addresses the need for residential units in the area, and a small amount of retail is also proposed to provide local retail that is convenient for residents. The public benefits proposed as part of the Site Plan provide improved connectivity and add to the diversity of uses and activity for the surrounding area. The Applicant is providing the dedications for Key West Avenue, Omega Drive, B-9, and B-10 as required. Again, the Applicant will not be required to construct B-10 at this time, but will be required to enter into a covenant for future construction of half of B-10.

Based on the analysis above and conditions of this report, staff finds the proposed Preliminary Plan is in substantial conformance with the GSSC Master Plan.

ADEQUATE PUBLIC FACILITIES REVIEW

Site Location and Vehicular Site Access Points

The Property is located in the northeast quadrant of Key West Avenue and Omega Drive/Medical Center Drive. Vehicular access points to the proposed multi-family buildings and parking garages onsite will be provided from B-9. Each building will have a semicircular driveway that connects with B-9.

Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). Therefore, the Applicant must participate in the TMD and assist the County in achieving and maintaining the 2010 Great Seneca Science Corridor Master Plan's Stage 2 non-auto driver mode share goal of 18% and the ultimate goal of 30%. The Master Plan does not explicitly differentiate between vehicular trips generated by residents and employees nor limits participation with the TMD to only non-residential developments.

Public Transit Service

Ride On bus service is available from the adjacent and nearby roadways as follows:

- Research Boulevard: Ride On routes 55 and 66;
- Key West Avenue and Shady Grove Road: Ride On route 43;
- Omega Drive: Ride On route 74.

Master-Planned Roadways and Bikeways

In accordance with the 2010 *Great Seneca Science Corridor Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the master-planned designated roadways and bikeways are as follows:

- Key West Avenue is designated as a six-lane major highway, CM-22, with a recommended 200-foot-wide right-of-way and a dual bikeway (bike lanes and a shared use path on the north side), DB-43. The Applicant must dedicate additional right-of-way for a total of 100 feet from the centerline as shown on the revised submitted plans dated August 15, 2012.
- Omega Drive is designated as a four-lane arterial, A-261a, with a recommended 100-foot-wide right-of-way, and a local dual bikeway (bike lanes and a shared use path on the west side), LB-1. The outside lane of Omega Drive must be widened to be 14 feet wide to accommodate the master-planned bike lane along the property frontage.
- Research Boulevard is a four-lane industrial road, I-8, with a recommended 80-foot-wide right-of-way and no bikeway.
- B-9, or Road "H" with a recommended 60-foot-wide right-of-way and no bikeway. B-9 must be dedicated and constructed between Key West Avenue and Research Boulevard.
- B-10, or Road "I" with a recommended 70-foot-wide right-of-way and no bikeway. B-10 must be dedicated and the Applicant must enter into a covenant for future construction of half of B-10. The details of B-10 will be discussed further below.

Bus Rapid Transit and Corridor Cities Transitway

One of the 16 candidate "Countywide Bus Rapid Transit Study" options is Route 5, "Rockville Metrorail-Life Science Center Option" that proposes transit vehicles operating along Key West Avenue and alternatively along Research Boulevard.

The Maryland Transit Administration's (MTA) preferred alignment of the Corridor Cities Transitway (CCT) is not along the adjacent roadways. Near the subject site, a CCT station is proposed on the west side of Diamondback Drive just north of Key West Avenue.

Pedestrian and Bicycle Facilities

A 5-foot-wide sidewalk exists along the Omega Drive frontage. A shared-use path that accommodates both pedestrians and bicyclists exists along the Key West Avenue frontage. Where needed, these existing facilities must be improved by this development. The Applicant proposed a 6-foot-wide sidewalk along the Research Boulevard frontage and 5-foot-wide sidewalks along B-9.

Under Section 59-C-15.62 of the County Zoning Ordinance as a development located in the CR zone, the Applicant must provide bicycle parking spaces for each residential building with 20 or more dwelling units. For the two proposed apartment buildings with over 300 units each, the required bicycle parking is:

- Publicly accessible bike spaces – 10 spaces per apartment building with the final number and location of these facilities will be determined at the time of certified site plan.
- Private secured bike spaces – 100 spaces per apartment building with the final number and location to be determined at the time of certified site plan.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.)

<i>Land Use</i>	<i>No. of Units or Square feet</i>	<i>Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
Proposed Mid-Rise Apartments	+682	+276	+322
Proposed General Retail Space	+3,500	+ 3*	+ 12*
Total Proposed New Trips		+279	+334
Existing General Office Space	-115,858	-189	-187
Net Increase in Site-Generated Trips		+90	+147

*These peak-hour trips are new trips only. Most of the retail trips are pass-by or diverted trips that have other origins and destinations.

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more total peak-hour trips within the weekday morning and evening peak hours. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.
4. Total Improved: The total condition with the proposed intersections.

Analyzed Intersection	Congestion Standard	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total Improved
Shady Grove Road & Corporate Boulevard	1,500	Morning	967	1,259	1,243 ²	-----
		Evening	1,209	1,607 ¹	1,607 ^{1,2,&3}	-----
Shady Grove Road & Research Boulevard	1,500	Morning	933	1,072	1,099	1,099
		Evening	1,267	1,576 ¹	1,592 ¹	1,332
Shady Grove Road & Key West Avenue – West Montgomery Avenue	1,500	Morning	1,085	1,414	1,398 ²	-----
		Evening	1,172	1,645 ¹	1,630 ^{1,2,&3}	-----
Shady Grove Road & Medical Center Drive	1,500	Morning	669	1,062	1,069	-----
		Evening	754	928	936	
Omega Drive & Research Boulevard	1,450	Morning	722	788	796	-----
		Evening	718	873	892	-----
Key West Avenue & Omega Drive-Medical Center Drive	1,450	Morning	991	1,376	1,365	1,407
		Evening	1,196	1,663 ¹	1,683 ¹	1,548 ^{1&4}
Key West Avenue & Diamondback Drive-Broschart Road	1,450	Morning	1,269	1,569 ¹	1,559 ^{1,2,&3}	-----
		Evening	1,076	1,383	1,376 ²	-----

¹ CLV value exceeds its congestion standards.

² CLV value in the total traffic condition is less than the CLV value in the background traffic condition because the residential trips through this intersection are in the non-peak movements compared to the office trips in the peak movements.

³ Although the CLV value exceeds its congestion standards, CLV value in the total traffic condition is less than or equal to the CLV value in the background traffic condition.

⁴ Although the CLV value exceeds its congestion standards, CLV value in the total improved traffic condition is less than the CLV value in the background traffic condition.

At the three intersections of Shady Grove Road/Corporate Boulevard, Shady Grove Road/Key West Avenue-West Montgomery Avenue, and Key West Avenue/Diamondback Drive-Broschart Road, a LATR improvement is not required although the CLV values exceed the congestion standard in the total traffic condition. As indicated in footnote 3 above, the CLV values in the total traffic condition are less than or equal the CLV values in the background traffic condition because the residential trips through these intersections are in the non-peak movements compared to the office trips in the peak movements.

Based on the CLV values provided in the Applicant’s traffic study, two intersections require improvements as follows:

1. At Omega Drive-Medical Center Drive and Key West Avenue, reconfigure the left-most through lane on Omega Drive to be a second left-turn lane on southbound.
2. At Research Boulevard and Shady Grove Road, restripe the right-most through lane on westbound Research Boulevard to be a combined second right-turn and through lane.

These improvements are required to reduce the CLV values in the total improved traffic condition below their congestion standards or the CLV value in the background traffic condition. With the improvements required to these two intersections, Staff finds the LATR test is satisfied.

Policy Area Mobility Review

Under the Subdivision Staging Policy when the subject plan was filed, the PAMR test requires the Applicant to mitigate 30% of the 147 (i.e., equal to 44) new peak-hour trips generated by the proposed redevelopment within the weekday morning and evening peak hours. To satisfy PAMR test, the Applicant proposed to pay \$11,700 per trip times 44 trips or \$514,800 towards the off-site LATR intersection improvements within the R&D Village Policy Area. With the improvements and required payment above, Staff finds the proposed application satisfies the PAMR test.

Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available and adequate. The Project is located in the Gaithersburg Cluster, which requires a School Facilities Payment at the elementary and middle school levels. DPS will determine the amount and timing of the payment.

Based on the analysis and conditions above, Staff finds that Adequate Public Facilities exist to serve the proposed development.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

Staff has reviewed the application for compliance with Chapter 50 of the Montgomery County Code, the Subdivision Regulations. With the improvements proposed, access and public facilities will be adequate to support the proposed lots, density, and use. The proposed lots' size, width, shape, and orientation are appropriate for this type of subdivision. The proposed development meets all dimensional requirements of the CR1.5 C1.5 R1.5 H100 Zone as specified in the Zoning Ordinance and as detailed in Section 3: Site Plan Review of this report. Finally, the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan (Attachment F).

ENVIRONMENT

Environmental Inventory

The subject area includes 12.81 acres of on-site and 0.7 acres of off-site area, totaling 13.51 acres. The Property is located within the Muddy Branch watershed, which has a State Use Class designation of I-P and is not within a Special Protection Area.

The site is developed with an existing two-story commercial building with associated parking to the east and in the central portion of the site, and a stormwater management pond located in the northwestern corner of the site. The remaining areas of the site consist of an open non-maintained field and a 0.45 acre forest stand in the northwestern portion of the site as depicted on the approved Natural Resource Inventory/Forest Stand Delineation (#42011560) approved by Staff on April 25, 2011. The site contains no streams, stream valley buffers, wetlands, wetland buffers, or known occurrences of rare, threatened, or endangered species. Three specimen trees are located within the central and north-central portions of the site, and are proposed for removal.

Final Forest Conservation Plan

This property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Final Forest Conservation Plan (“FFCP”) has been submitted for Planning Board approval (Attachment C). The Applicant proposes the removal of all onsite existing forest, which generates 2.48 acres of reforestation and afforestation requirements. Given the intensity of the development proposed for the site, the design constraints of the site including the locations of stormwater management facilities, the tree canopy coverage for public benefit, and the required on-site mitigation for variance tree impacts, Staff is recommending that planting requirements for the development application be satisfied off-site in a forest mitigation bank.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. Otherwise such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on June 20, 2012 for the removal of trees as depicted on the attached FFCP. The Applicant proposes to remove 3 trees that are 30 inches and greater, DBH, and are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1: Trees to be removed

Tree Number	Species	DBH	Condition/Status
4v	<i>Quercus palustris</i>	32”	Good/Remove
10v	<i>Acer rubrum</i>	31”	Good/Remove
13v	<i>Pinus strobus</i>	30.5”	Good/Remove

Unwarranted Hardship Basis

As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The proposed development is in accordance with both the intent and recommendation of the Great Seneca Science Corridor Master Plan and the CR Zone, both of which are intended to create higher density uses in the vicinity of the Corridor Cities Transitway (CCT).

Protected trees identified on the FFCP as 4v, 10v, and 13v are located in the central and north-central portions of the site closest to Research Boulevard. Due to the central location of the variance trees on-site and the proximity of variance tree 4v to the site entrance, protecting these trees would require significant changes to the proposed development. This area is envisioned to become an urban area with buildings oriented and as close to streets as possible. Reconfiguring a building around the protected trees on this site would make it extremely difficult for the Applicant to meet the Master Plan recommendations of creating a more urban place. Therefore, Staff agrees that the Applicant would

suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance being granted.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The intent and recommendation of the Master Plan is to create higher density uses in the vicinity of the CCT. Reconfiguring a building around the Protected Trees on this site would make it extremely difficult for the Applicant to meet the Master Plan recommendations of creating a more urban place. The site currently has an approved Sketch Plan #320120010 that will require extensive clearing and grading to accommodate the construction of the proposed mixed-use development, roadways B-9 and B-10, streetscape improvements, stormwater management facilities, and associated public use space. Given the intensity of the proposed development and the location of the trees on the site, impacts to variance trees are to be expected. Therefore, it is Staff's opinion that granting the variance will not confer a special privilege to the Applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Staff concurs that the requested variance is based on the constraints of the site, the proposed development density, and the public facilities and amenities, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The specimen trees requested for removal on-site are not located in an environmental buffer or special protection zone. Mitigation at a rate that approximates the form and function of the Protected Trees removed will provide some mitigation for water quality protection, as well. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality. In addition, the Department of Permitting Services has already approved a stormwater management concept plan for the property.

Mitigation for Trees Subject to the Variance Provisions

There are three trees proposed for removal as a result of the proposed development.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" diameter at breast height (DBH) for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 93.5 caliper inches of trees removed, the required mitigation will be eight native canopy trees with a minimum size of 3" DBH. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends the addition of eight native canopy trees with a minimum size of 3" DBH to the FFCP. Because these trees are in mitigation for specimen trees removed, they do not count toward afforestation requirements.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on July 16, 2012. On July 25, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment D).

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management

A Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services (DPS) on March 29, 2012. The plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including micro-bioretenion facilities, planter box micro-bioretenion facilities, and pervious parking.

Conclusion

Based on the analysis above, Staff finds the plan meets the Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Preliminary and Final Forest Conservation Plans with the conditions cited in this staff report as part of the Preliminary and Site Plans, respectively. The variance approval is assumed in the Planning Board's approval of the Preliminary Forest Conservation Plan.

SECTION 3: SITE PLAN REVIEW

ENVIRONMENT & MASTER PLAN

These subsections are covered by Section 2: Preliminary Plan Review, above.

DEVELOPMENT STANDARDS

The proposed development is zoned CR1.5 C1.5 R1.5 H100 on 12.81 acres of gross tract area. The following tables show the application's conformance to the development standards of the zone and the approved Sketch Plan; minimum setbacks are not applicable on this site.

1. Density of Development (square feet per gross tract)			
	Total (CR)	Non-Residential (C)	Residential (R)
Max Allowed by the Zones	837,147	837,147	837,147
Max Approved with Sketch Plan	837,147	83,714 ¹	837,147 ²
Max Proposed	800,000	3,500	796,500

2. Height (feet)	
	CR1.5 C1.5 R1.5 H100
Max Allowed by the Zone	100
Approved with Sketch Plan	90
Proposed	70 ³

2. Public Use Space (% of 447,000sf net lot) ⁴	
Min Required by the Zone	10 (44,700sf)
Min Approved with Sketch Plan	13 (59,200sf)
Min Proposed	20.1 (90,000sf)

3. Residential Amenity Space (square feet per market rate unit)		
	Required	Proposed
Minimum Indoor Amenity Space	10,000 (5,000 per building)	10,000 (5,000 per building)
Minimum Outdoor Amenity Space	10,000 (5,000 per building)	10,000 (5,000 per building)

¹ The Resolution approved by the Board approved up to 10% of the floor area for commercial uses.

² The Resolution approved by the Board allowed for up the 1.5 FAR as allowed in the Zone.

³ Proposed maximum heights were established by the binding elements in the Approved Sketch Plan. The proposed development is limited to a maximum height of 70 feet for occupiable space; provided however, architectural design elements of the development are allowed to a maximum of 90 feet.

⁴ Total net lot at Sketch Plan was 457,860 square feet. Total net lot has been adjusted to 447,000 square feet.

4. Minimum Bicycle Parking Spaces				
Use	Required		Proposed ⁵	
	Minimum Publicly Accessible	Minimum Private & Secure	Public	Private
682 Residential Units	20	200	20	200
3,500sf Non-Residential	2	2	2	2

5. Parking ⁶			
	Minimum Allowed	Maximum Allowed	Proposed
Estimate at Sketch Plan			694 Min/976 Max
Site Plan Requirement			
Building A Residential Units	291	416	416
Building B Residential Units	337	482	482
Building A Visitor Spaces			19
Building B Visitor Spaces			31
Building A Retail	4	9.25	6
Building B Retail	3	8.25	6
TOTAL	635	916	960

The Applicant is requesting a waiver of the maximum parking spaces allowed onsite to accommodate visitor parking. Although the ultimate master-planned full build-out scenario envisions convenient retail and employment land uses being within walkable distance of the subject site, such compatible land uses are not present in the immediate area at this time. Thus, staff believes the request for the additional 44 spaces above the maximum allowed, which will be for visitor parking only, is reasonable. As stated above, the Applicant has also agreed to provide additional parking spaces for the adjacent property owner on the proposed outlot.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The site plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan 320110030, which may be modified at the time of site plan review under Section 59-C-15.43(d):

⁵ As conditioned.

⁶ Applicant requests additional parking spaces beyond the maximum allowed pursuant to Section 59-C-15.636 Waiver of parking provisions.

During site plan review, the Planning Board may approve amendments to the binding elements of an approved sketch plan.

- (1) Amendments to the binding elements may be approved, if such amendments are:
 - (A) Requested by the applicant;
 - (B) Recommended by the Planning Board staff and agreed to by the applicant; or
 - (C) Made by the Planning Board, based on a staff recommendation or on its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan or does not meet the requirements of the zone.
- (2) Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant or in the final notice of the site plan hearing recommended by Planning Board staff and agreed to by the applicant.
- (3) For any amendments to the binding elements, the Planning Board must make the applicable findings under Section 59-C-15.43(c) in addition to the findings necessary to approve a site plan under Section 59-D-3.

There are two modifications to the binding elements with this site plan.

- a. The location of the vehicular access points has changed since Sketch Plan approval. At Sketch Plan, the access points to the site were limited to two entrances for each building: to the garage and loading areas from B-9 and to the garage and visitor parking area from Research Boulevard. Vehicular access to the site is now limited to one entrance for each building, with all entrances to the garage, visitor parking area and loading areas for each Building being accessed only from B-9. Regarding the necessary findings under Section 59-C-15.43(c), the circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists continue to be enhanced by the proposed development. The Project provides a finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic and provides garage and loading entrances to both buildings on a newly constructed business district street, thereby alleviating congestion from Research Boulevard or Key West Avenue.
- b. The public benefit, Neighborhood Services, originally approved by the Sketch Plan has been removed per the Applicant's request because the details of the site plan show that the criteria for these benefits cannot be met. The application does qualify, however, for an alternative public benefit, Public Art. The applicant has elected to make a payment on behalf of the Public Arts Trust Fund (the Trust) in lieu of installing public art on-site. The maximum the Trust can receive from the Applicant is \$100,000 and final payment will be determined at the time of permitting (Attachment G) by the Arts and Humanities Council. Even with this change, the Project continues to meet the necessary findings regarding public benefits that must support the requested incentive density and are in keeping with the priorities of the Master Plan.

Staff finds the removal of the Neighborhood Services public benefit and the addition of the Public Art public benefit does not alter the Sketch Plan findings (Attachment A-Sketch Plan Resolution) under Section 59-C-15.43(c):

- The Project continues to meet the objectives, general requirements, and standards of Division 59-C-15 through compliance with the CR Zone.
- The Project furthers the recommendations and objectives of the GSSC Master Plan and is in general conformance with the recommendations of the GSSC Design Guidelines as discussed in the Master Plan section of this report and furthers its objectives and goals by providing mixed-use in-fill with residential uses and pedestrian-oriented local retail facilities, provides public benefits that improve connectivity and mobility, through construction of B-9, provides open space and pedestrian-realm improvements, and adds to the diversity of uses and activities, through construction of affordable housing above the minimum required, open space and new uses.
- The buildings and open spaces are compatible with existing nearby buildings, open spaces, and uses, achieved through similar massing envelopes, although with more articulation and diversity of materials; modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones on surrounding properties; creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network; replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets; addition of a complementary mix of uses; and strong definition of blocks that will also begin to transform the suburban, auto-oriented framework of land use in the area.
- Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all enhanced by the proposed development. The Project provides a finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic; off-street loading areas for the residents on a newly constructed business district street alleviating congestion from Research Boulevard or Key West Avenue; increased parking for bicycles; improved sidewalks, amenities, and open spaces from pedestrians and bicyclists; and sufficient parking within new structures for residents and visitors.
- The Project proposes an outline of public benefits that supports the requested incentive density and includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83 by providing the diversity of housing, general sustainability measures, and connectivity improvements; the proper calculations and criteria for each public benefit: transit proximity, affordable housing, structured parking, public art, public open space, exception design, BLTs, tree canopy and cool roof; taking advantage of the existing site to create a desirable development with a residential emphasis; and designing the building at an appropriate scale for the surroundings with heights that establish a proper relationship with other structures in the vicinity.
- The proposed development may be built in two phases. Either of the phases will require construction of B-9 and completion of public benefits that are generally proportional to either building. Approximately one-half of the open space, affordable housing, structured parking, design elements, tree canopy,

cool roof, and BLTs is required by whichever building is completed first. Likewise, any streetscape improvements and uses will be basically equally shared by any phasing plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The proposed uses – residential and retail – are permitted uses in the zone. There are no proposed limited or special exception uses.

b. General Requirements

The development is substantially consistent with the Great Seneca Science Corridor Master Plan and the GSSC Design Guidelines. As part of the Life Science Center North District (LSC North), the Project will:

- Provide mixed-use infill with residential uses and pedestrian-oriented local retail facilities (page 48);
- Provide public benefits that improve connectivity and mobility, through construction of master-planned Road B-9, open space and pedestrian-realm improvements, and add to the diversity of uses and activities, through construction of affordable housing above the minimum required and open space (page 48);
- Provide a finer grid and improve vehicular and pedestrian connections, through construction of master-planned Road B-9 and improvements to the sidewalks along each of the property's frontages (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).
- Create public use spaces that allow for active and passive recreation; are visible and usable; have a strong relationship to adjacent retail, amenity space, and the pedestrian network; and are not separated by barriers (design guidelines, page 13);
- Provide a new business district street with wide sidewalks, street trees, lighting, amenities, and parallel parking (design guidelines, pages 14 & 44);
- Provide buildings as close to property lines as grades and easements allow with access from units and retail to perimeter sidewalks (design guidelines, pages 22 & 45);
- Provide design excellence with innovative building materials and style (design guidelines, page 27);
- Placing parking within a structure faced with residential and retail uses (design guidelines, pages 18-19) and locating entrances and exits along business district streets (page 29); and
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors.

c. Development Standards

The proposed development will comply with all development standards as shown in the data tables and discussion above.

d. Public Benefits

The proposed development will provide numerous public benefits with proportional incentive density points. Staff has considered these public benefits according to:

- The recommendations, objectives, and priorities of the Master Plan;
- The CR Zone Incentive Density Implementation Guidelines and the GSSC Design Guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

In accordance with the Zoning Ordinance, Section 59-C-15.82, the Site Plan proposes the following public benefits to satisfy the requirements: Transit proximity; Connectivity between uses, activities and mobility options; Diversity of uses and activities; Quality building and site design; and Protection and enhancement of the natural environment.

Transit Proximity

This project is eligible for 20 points because 96% of the project's total tract area is within ¼ mile and ½ mile of two Level 2 CCT Stations. Staff recommends granting the 20 points because development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions.

Affordable Housing

MPDU units above the minimum number of units required, but not more than 15 percent of all units, entitles the Applicant to 13.6 incentive density points for each 1 percent increase in MPDUs. Staff recommends granting the full 13.6 points because the Project is providing an additional 1 percent of MPDUs. Proposed points are determined as follows:

12 points per 1% MPDUs

Total units proposed: 682

MPDUs percent provided: 13.63% units

MPDUs required: 86 units

MPDUs above minimum 12.5%: 7 units (1.1%)

Calculation for points as follows:

$86 \text{ (required units)} + 7 \text{ (MPDUs above min)} = 93/682 \text{ (MPDUs provided/total units)} = 0.1363$

$0.1363 * 100 = 13.63\% \text{ (MPDUs percent provided)}$

$13.63 \text{ (percent provided)} - 12.5 \text{ (min \% required)} = 1.13 * 12 \text{ (points)} = 13.6 \text{ total points}$

Structured Parking

Up to 20 points may be granted for placing parking within an above – or below - grade structure. A formula dividing the parking provided within an above-grade structure divided by the total parking provided and multiplying the result by 10 has been approved in the guidelines (below-grade parking spaces are eligible for double the points because of the greater cost). In this case, the majority of the parking is within the above-grade structure and Staff recommends granting 9.9 points. Proposed points are determined as follows:

A = Above Grade Spaces = 952

B = Below Grade Spaces = 0

T = Proposed Spaces = 960

$$((A/T) * 10) + ((B/T) * 20) = ((952/960) * 10) + ((0/960) * 20) = 9.9 \text{ points}$$

Public Art

Up to 15 points may be granted for installing public art reviewed for comment by, or paying a fee accepted by, the Arts and Humanities Council. The Applicant has elected to make a payment on behalf of the Public Arts Trust (the Trust) in lieu of installing public art. The minimum fee is calculated on 0.5 percent of the development’s projected cost up to \$100,000. The fee is paid to the Public Arts Trust Steering Committee via the Arts and Humanities Council prior to release of a building permit. Construction costs are projected to be around 45 million and 0.5% of 45 million is \$225,000. Due to the cap on the amount to be paid, the Applicant is proffering to pay the maximum amount of \$100,000. Staff recommends granting 10 points for this public benefit.

Public Open Space

Up to 20 points may be granted for providing or making a payment for open space in addition to the minimum public use space required. The project proposes to provide 20.1 percent of public open space, which is 10.1 percent more than the 10 percent required. Staff recommends granting the 20 points for this public benefit based on the points determined below:

Public open space required is 10% of 447,000 sq. ft. = 44,700 square feet

P = public open space provided = 90,000 square feet

(20.1 % of 447,000 sq. ft. = 90,000 square feet of public open space provided by Applicant)

N = net lot area = 447,000 square feet

$$(P/N) * 100 = (90,000/447,000)*100 = 20 \text{ points}$$

Exceptional Design

Up to 10 points can be granted for building or site design whose visual and functional impacts enhance the character of a setting and for development that meets all six of the following criteria. Staff recommends granting the 7.5 points because the project meets the following criteria:

- *provides innovative solutions in response to the immediate context*

The Project provides an innovative solution to the jobs/housing imbalance in the planning area. The existing site context is a neighborhood of suburban office park

buildings with either large areas of surface parking around the buildings or large open parking garages behind the office buildings. The existing context is designed for the automobile and is not pedestrian friendly. The predominant multi-family projects in the area are low-density garden apartment style projects with surface parking lots.

The Project introduces a significant residential project and supporting retail uses into the existing context of single-use office parks. The site design hides parking from view, creates an urban and pedestrian oriented and friendly streetscape, creates public open space and urban streetscapes and places the buildings on the site in such a way that they address the streets as an urban project. The strong definition of blocks will also begin to transform the suburban, auto-oriented framework of land use in the area. In addition, the replacement of surface parking with internal structured parking creates a stronger relationship between buildings, sidewalks, and streets.

- *creates a sense of place and serves as a landmark*

The proposed public open space creates a strong sense of place that residents and non-residents alike can enjoy. These spaces will serve as local gathering places and provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement. In particular, the Project proposes to design the key corner of Omega and Key West with place-making amenities such that it will become a landmark in the neighborhood using landscaping, hardscape materials and streetscape. Site furnishings, shade, color, and lighting will be integrated within the open spaces to create a unique and interesting place for year-round use and enjoyment by patrons, employees, and residents.

- *enhances the public realm in a distinct and original manner*

The design of the buildings strives to enhance the public realm by creating an architecture that offers varied styles to create interest, by providing high quality materials and finishes and by creating a building that is urban in appearance and in setting. The materials are brick veneer masonry, limited amounts of Arriscraft veneer masonry, limited amounts of metal paneling, aluminum storefront glazing at the retail spaces and main entries, vinyl windows, terrace french doors, cementitious paneling and siding and architectural precast concrete trim. There is no vinyl siding or EIFS on the exterior faces of the project. These buildings seek to define the spaces around them and create public spaces rather than stand as isolated objects. The architecture strives to emulate an Old Town Alexandria experience in that it changes building facades to make the buildings appear as if there are multiple buildings on the site that were built over a period of time and not one homogenous building.

- *introduces new materials, forms, or building methods*

The Project introduces new forms, in particular along the sides of the buildings where the Project proposes stoops and doors that allow direct access from the dwelling units to allow residents to more easily inhabit the provided open spaces. The Project also proposes retail spaces on the road between the two buildings. Furthermore, the architecture strives to emulate an Old Town Alexandria experience in that it changes building facades to make the buildings appear as if there are multiple buildings on the

site that were built over a period of time and not one homogenous building, and by providing a building that is unique in form to this area.

- *uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable*

Mallory Square is a new residential project with supporting retail that proposes to improve the existing site by changing the design of the site from an automobile oriented suburban office building site to a pedestrian friendly, urban, transit oriented, and mixed-use design. This project is an urban infill project that provides housing within walking distance of jobs and near the bus lines to the Metro. It densifies the suburb of which it is a part by providing additional affordable housing, a mix of multi-family unit types, density within ½ mile of three proposed CCT stations.

The Project's design creates a neighborhood that offers pleasurable and desirable experiences for the residents and non-residents. The Project provides an innovative solution to the jobs/housing imbalance in the planning area. The site design hides parking from view, creates an urban and pedestrian oriented and friendly streetscape, creates public open space and urban streetscapes and places the buildings on the site in such a way that they address the streets as an urban project.

- *Integrates low-impact development methods into the overall design of the site and building*

The Project integrates low-impact development methods by using bio-retention areas and incorporating them into the design to help create the park-like settings. The Applicant is committed to meeting the National Association of Home Builder's Green Bronze standard with the following features:

- Site Selection, reusing a site with an existing building and surface parking lots
- Provide future charging stations for Electric Vehicles
- Roof and Landscaping will reduce heat island effect
- Project will have water efficient landscaping
- MPE Systems will optimize Energy Performance
- Construction Waste Management practices will be followed by general contractor (GC)
- Recycled Content will be used
- Regional materials will be used
- Low-Emitting Material will be used
- Controllability of Lighting and HVAC systems will be optimized
- Daylight and Views will be optimized
- Owner will provide tenants with education about building systems to optimize tenant use of HVAC and Lighting

BLTs

All optional method developments in CR zones must achieve at least five points through purchase of BLTs as calculated by a formula established in the Zoning Ordinance, under Section 59-C-15.856(a).

In the CR Zones, an applicant must purchase BLT easements, or make payments to the Agricultural Land Preservation Fund (ALPF), in an amount equal to 5 percent of the incentive density floor area under the following parameter:

(a) One BLT for every 20,000 square feet of gross floor area to qualify for the first 5 percent incentive density floor area.

Incentive density calculated as follows:

Total Density – Standard Method Density = Incentive Density

800,000sq.ft. – 279,049sq.ft. = 520,951sq.ft.

Proposed points determined as follows:

5% * Incentive Density Floor Area = .05 * 520,951sq.ft. = 26,047.55sq.ft.

26,047.55sq.ft. / 20,000sq.ft. = 1.3024 BLTs

The Applicant will purchase 1.3024 BLTs as required and Staff recommends granting the 5 points for this public benefit.

Tree Canopy

Up to 15 points may be granted for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space. Incentive density of 10 points is appropriate for development that meets the requirements of the Zoning Ordinance. Coverage is calculated as 75 percent of 20-year canopy coverage under the M-NCPPC Trees Technical Manual. The Applicant is requesting 10 points.

The points are calculated as follows:

90,000sq.ft. of open space is proposed

Tree canopy coverage at 15 years of growth of at least 25% of the on-site open space =
90,000sq.ft * 0.25 = 22,500sq.ft. required of tree canopy coverage at 15 years of growth

Applicant will provide 22,814 square feet of tree canopy coverage at 15 years of growth; therefore, Staff recommends granting the 10 points.

Cool Roof

Up to 10 points for sites one acre or less, may be granted for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of 25 for slopes above 2:12. Cool roofs keep energy costs down and decrease the heat island effect. The Applicant proposes to meet the minimum SRI for a flat roof with a minimum cool roof of 90% of the total available roof area, based on the guidelines that state, "On sites greater than one acre, incentive density of five points is appropriate for development that meets the requirements of the Zoning Ordinance". Staff recommends granting 5 points for this benefit.

Conclusion

Staff finds that the proposed public benefits fulfill the priority recommendations of the Master Plan, meet the criteria of both the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract; enhance the site's relationship to adjacent properties; provide benefits that are not provided nearby; and are not appropriate for increased points for

enhancements beyond the elements and criteria established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from at least 4 categories equal to greater than 100 points, the final numbers to be determined prior to approval of the certified site plan.

Public Benefit	Maximum Points Permitted	Proposed Points [Sketch Plan]	Criteria	Points Recommended
Transit Proximity Category				
Transit Proximity (Site ¼- ½ mile from Level 2 CCT Station.)	50	20 [20]	Greater than 75% of the of the subject site is within ½ mile of the CCT Station	20
Diversity of Uses and Activities Category				
Affordable Housing	12	13.6 [12]	Project is providing 13.6% MPDUs; 1.1% over 12.5% = 13.6 points	13.6
Quality of Building & Site Design Category				
Structured Parking	20	9.9 [9]	Project provides 99% of parking spaces in above grade structures	9.9
Public Art	15	10 [0]	Project is providing a monetary payment on behalf of the Public Arts Trust.	10
Public Open Space	20	20 [20]	Project is providing 10.1% additional open space (above the 10% required)	20
Exceptional Design	10	7.5 [10]		7.5
<ul style="list-style-type: none"> ▪ Provides innovative solutions in response to the immediate context (stepped floor plates, terraced open space and pedestrian connections); ▪ Creates a sense of place and serves as a landmark (unique open space and landmark building); ▪ Enhances the public realm in a distinct and original manner (complete integration of buildings and pedestrian-focused open space); ▪ Introduces new materials, forms, or building methods (stepped floor plates, “table-top” street and sidewalk integration, and amphitheater steps and open space); ▪ Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable (activating uses, minimized vehicular/pedestrian conflicts, integrated office/retail/entertainment/housing layout; and integrated public/private open spaces); and ▪ Integrates low-impact development methods into the overall design of the site and building (solar exposure to south, integrated LEED components and ESD facilities, efficient floor plate width and glazing features, low buildings to south of open space, and pedestrian-focused open space). 				
Protection and Enhancement of the Natural Environment Category				
BLTs	30	5 [5]	1 BLT per 20,000sf of 5% of incentive density	5
Tree Canopy	15	10 [10]	22,814sf tree canopy (25% of on-site open space).	10
Cool Roof	10	5 [10]	Project will provide a minimum of 90% cool roof of the total available roof area.	5
Total Points				101.00

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for an infill development site that is envisioned by the Master Plan and the GSSC Design Guidelines to provide pedestrian-oriented blocks, street walls along sidewalks, and taller buildings and density near transit facilities.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Master Plan to include sidewalks complemented by strategically placed, unique, small open spaces and more centralized, adaptable, larger open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, and lighting will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

d. Recreation Facilities

The proposed development is exceeding the active and passive recreation space required by the zone as shown in the data tables above. The proposed development will provide the following on-site recreation facilities:

- 24 picnic/sitting areas (12 per building);
- 1 bike system;
- 1 pedestrian system;
- 2 swimming pools (1 per building);
- 2 indoor community spaces (1 per building);
- 2 indoor fitness facilities (1 per building).

The proposed development exceeds the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. As reflected in the outline and data tables above, the proposed development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be enhanced through consolidated loading and garage entrances and creating smaller blocks. The vehicular access to the site is limited to two entrances for each building; the entrances to the garage, visitor parking area and loading areas for both Buildings A and B are now accessed only from B-9. Most vehicular parking will be within structures with some along the western side of B-9 and at the main entrance lobbies. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Master Plan and code requirements.

Pedestrian circulation, conversely, will be greatly improved along the street frontages and within the site. The new grid network of sidewalks and open spaces envisioned for this area will begin to be realized and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, and bike lanes will be greatly improved. Pedestrian and bicycle access is provided at numerous points from perimeter sidewalks to individual units, the retail bays, and the main lobby entrances. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances. This new network of sidewalks in and around smaller pedestrian-scaled blocks will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The mixed-use buildings are compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Master Plan and the GSSC Design Guidelines. Compatibility is achieved through similar massing envelopes, although with more articulation and diversity of materials, and modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones on surrounding properties. There are no pending site plans adjacent to the proposed development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

- a. Forest Conservation

The plan is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Final Forest Conservation Plan as part of the Site Plan with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the Preliminary Forest Conservation Plan.

- b. Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (DPS) on March 29, 2012. The plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including micro-bioretenion facilities, planter box micro-bioretenion facilities, and pervious parking.

ATTACHMENTS:

- A. Sketch Plan Resolution
- B. Preliminary Plan
- C. Final Forest Conservation Plan
- D. Letter from County Arborist, Forest Conservation Plan, and Variance Request
- E. Applicable Master Plan Sections
- F. Agency Letters
- G. Public Arts Trust Fund – Arts and Humanities Council Letter



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-108
Sketch Plan No. 320120010
Project Name: Mallory Square
Date of Hearing: November 3, 2012

RESOLUTION

WHEREAS, pursuant to Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on July 21, 2011, Woodfield/Meridian Shady Grove, LLC ("Applicant"), filed an application for approval of a sketch plan that would create two mixed-use buildings with up to 837,147 square feet of development for residential uses and up to 10% of gross floor area for ancillary retail uses, on 12.81 gross acres of CR1.5 C1.5 R1.5 H100-zoned land, located at the southeast quadrant of the intersection of Omega Drive and Research Boulevard ("Property" or "Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan" or "GSSC Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120010, Mallory Square (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 21, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on November 3, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application (the "Hearing"); and

WHEREAS, on November 3, 2011, the Planning Board approved the Application subject to certain conditions, on the motion of Commissioner Anderson, seconded by

Approved as to
Legal Sufficiency:

1/19/12

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Wells-Harley; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320120010 for two mixed-use buildings with up to 837,147 square feet of development for residential uses and up to 10% of gross floor area for ancillary retail uses, on 12.81 gross acres of CR1.5 C1.5 R1.5 H100-zoned land on the Property, subject to the following binding elements and conditions:

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(d):

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The proposed development is limited to a maximum total of 837,147 square feet of residential development, with up to 10% of the floor area for commercial uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of two retail bays must be provided and maintained as commercial space for a minimum length of time to be determined during site plan review.

2. Height

The proposed development is limited to a maximum height of 70 feet for occupiable space; provided however, architectural design elements of the development are allowed to a maximum height of 90 feet.

3. Incentive Density

The proposed development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

- a. Transit proximity
The Applicant proposes 20 points for proximity to master-planned stations for the Corridor Cities Transitway, Level 2 transit stations.
 - b. Connectivity and Mobility
The Applicant proposes 10 points from the Connectivity and Mobility category, which is achieved through providing basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Zoning Ordinance and Design Guidelines during site plan review.
 - c. Diversity of Uses and Activities
The Applicant proposes 12 points from the Diversity of Uses and Activities category, which is achieved through provision of 13.5% MPDUs.
 - d. Quality Building and Site Design
The Applicant proposes 39 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (9 points), additional public open space (20 points), and exceptional design (10 points).
 - e. Protection and Enhancement of the Natural Environment
The Applicant proposes 25 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points) and provision of tree canopy (10 points) and a cool roof (10 points).
4. Building Lot Terminations (BLTs)
Prior to release of a building permit for each building, the Applicant must provide proof of purchase and/or payment for the required BLTs equal to a pro-rated share of the square footage requested with the building permit.
 5. Moderately Priced Dwelling Units (MPDUs)
The proposed development must provide MPDUs in accordance with Chapter 25A and, additionally, any incentive density MPDUs above 12.5% under Condition 3 of this Sketch Plan approval.
 6. Transportation Planning comments
At the time of Preliminary Plan, the Applicant must:
 - a. Satisfy the Local Area Transportation Review (LATR) test by submitting a traffic study and providing feasible intersection improvement(s) for any analyzed intersection that exceeds its congestion standard.

- b. Satisfy the Policy Area Mobility Review (PAMR) test by making required transportation improvements or contributing the required fee.
- c. Enter into a Traffic Mitigation Agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Greater Shady Grove Transportation Management District (TMD).
- d. Make required dedications or reservations and enter into any necessary covenants for additional right-of-way along Key West Avenue, Omega Drive, Research Boulevard, master-planned Road B-9, and master-planned Road B-10 to the master plan recommended widths.
- e. Provide or request waivers for all necessary truncations.
- f. Provide necessary pedestrian crosswalks, median refuges, handicapped ramps, and street lighting along the site frontage of each abutting right-of-way.
- g. Provide master-planned bike lanes, paths, and sidewalks along the site frontage of each abutting right-of-way.
- h. Provide private secure bicycle parking spaces for employees and residents and public bike racks as required by 59-C-15.62(a).

7. Future Coordination for Preliminary and Site Plan

The following must be addressed when filing a preliminary or site plan:

- a. Alignment of master-planned Road B-10
- b. Underground wet and dry utilities.
- c. Fire and Rescue access and facility details.
- d. Master-planned Road B-9 streetscape details.
- e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements.
- f. Implementation of transportation improvements.
- g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable.
- h. Compliance with forest conservation law.
- i. Consideration of building-to-street interface to maximize activation and safety.
- j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.
- k. Focus on energy efficiency in site design, building orientation, and building design features.
- l. Consideration of shadows on primary public use spaces.
- m. Address concerns raised by the MCDOT in their letter dated October 14, 2011.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the

Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that as conditioned herein, the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS:

1. *The sketch plan meets the objectives, general requirements, and standards of this Division 59-C-15.*

Objectives of Section 59-C-15.2. The proposed development will:

- “Implement the policy recommendations of the applicable sector plan” by providing the residential uses, service amenities, pedestrian circulation routes, public roads, and public benefits encouraged by the sector plan;
- “Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses” by replacing the vacant office building and surface parking lots with a residential building, structured parking, and ancillary retail;
- “Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities” by providing additional affordable housing, a mix of multi-family unit types, density within ½ mile of three proposed CCT stations, access to the LSC recreation loop, basic-service retail space, and public open space and streets;
- “Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors” by building within the envelope established by the zone with a mix of uses at a scale of development similar to existing and allowed buildings adjacent to the site, which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones;
- “Allow an appropriate balance of employment and housing opportunities” by providing housing, including 13.5% MPDUs, and small business employment opportunities; and
- “Provide public benefits that will support and accommodate density above the standard method limit” through the public benefits listed within these findings that meet the requirements of the Zoning Ordinance and standards of the Implementation Guidelines.

General Requirements of Section 59-C-15.6. The proposed development will:

- Be substantially consistent with the GSSC Master Plan and substantially conform to the GSSC Design Guidelines by:
 - Creating public use spaces that allow for active and passive recreation; are visible and usable; have a strong relationship to

- adjacent retail, amenity space, and the pedestrian network; and are not separated by barriers (Design Guidelines, page 13);
- Providing a new business district street with wide sidewalks, street trees, lighting, amenities, and parallel parking (Design Guidelines, pages 14 & 44);
- Providing buildings as close to property lines as grades and easements allow with access from units and retail to perimeter sidewalks (Design Guidelines, pages 22 & 45);
- Providing design excellence with innovative building materials and style via further development through the site plan process (Design Guidelines, page 27); and
- Placing parking within a structure faced with residential and retail uses (Design Guidelines, pages 18-19).
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan; and
- Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.

As shown in the Data Table below, the sketch plan meets the Development Standards of Section 59-C-15.7:

<i>Development Table for the CR1.5 C1.5 R1.5 H100 Zone</i>		
Development Standard	Required/Allowed	Approved
Max. Density (FAR)		
Total	1.5	1.5
Residential	1.5	Up to 1.5
Commercial	1.5	Up to 10% of gross floor area
Max. Height (feet)		
	100	70/90 ¹
Setbacks		
	n/a	n/a
Min. Public Use Space (% of net lot)		
	10	10
Min. Residential Amenity Space		
Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf

¹ 70 feet for occupiable space; 90 feet for architectural design elements.

2. *The sketch plan furthers the recommendations and objectives of the GSSC Master Plan.*

The GSSC Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the proposed development will:

- Provide the balance of jobs and housing opportunities by providing residential uses that will serve the largely employment-based uses within the life sciences center (Master Plan page 23);
- Provide mixed-use infill with residential uses and pedestrian-oriented local retail facilities (Master Plan page 48);
- Provide public benefits that improve connectivity and mobility, through construction of master-planned Road B-9 and provision of basic retail services, open space and pedestrian-realm improvements, and add to the diversity of uses and activities, through construction of affordable housing above the minimum required, open space and new uses (Master Plan page 48);
- Provide a finer grid and improve vehicular and pedestrian connections, through construction of master-planned Road B-9 and improvements to the sidewalks along each of the property's frontages (Master Plan page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (Master Plan pages 26-30).

3. *The sketch plan achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses.*

The buildings and open spaces proposed for the development are compatible with existing nearby buildings, open spaces, and uses; no proposed development is in the pipeline on adjacent properties. This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets;

- Addition of a complimentary mix of uses; and
 - Strong definition of blocks that will also begin to transform the suburban, auto-oriented framework of land use in the area.
4. *The sketch plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all enhanced by the proposed development. Specifically, this sketch plan provides:

- A finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic;
 - Off-street loading areas for the residents on a newly constructed business district street alleviating congestion from Research Boulevard or Key West Avenue;
 - Access to the main residential lobbies at existing traffic signals or mid-block at the safest points feasible;
 - Increased parking for bicycles;
 - Improved sidewalks, amenities, and open spaces from pedestrians and bicyclists;
 - Sufficient parking within new structures for residents and along the proposed business district street for shoppers or visitors; and
 - Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for public roads, which will be finalized during preliminary plan review.
5. *The sketch plan proposes an outline of public benefits that supports the requested incentive density.*

The following public benefit table proposed by the Application provides benefits that:

- "Take into consideration the recommendations, objectives, and priorities of the Master Plan" by providing the diversity of housing and basic services, general sustainability measures, and connectivity improvements that are encouraged;
- "Meet the standards of the Implementation Guidelines and Design Guidelines for the Master Plan" by providing the proper calculations and concentrating on the Guidelines' focus on streets, design excellence, and transformation of the suburban development pattern;
- "Are appropriate for the size and configuration of the tract" by taking advantage of the large site and concentrating on open space and environmental benefits;

- “Adequately address the relationship of the proposed development to the adjacent property” by providing open space along the proposed dedication that will work as a through-block connection if the road is not built or as future streetscape if the road is built;
- “Consider the presence or lack of similar public benefits nearby” through provision of open spaces, affordable housing, structured parking, and basic services that are lacking in this area; and
- “Provide enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit,” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Points Requested
Transit Proximity Category	
¼ - ½ mile from Level 2 CCT Station	20
Greater than 75% of the subject site is within ½ mile of a CCT Station.	
Connectivity & Mobility Category	
Neighborhood Services	10
The proposed development must provide basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Ordinance and Guidelines during site plan review.	
Diversity Category	
Affordable Housing	12
Provision of 13.5% MPDUs; 1% over 12.5% = 12 points.	
Quality Design Category	
Structured Parking	9
99% of parking within above grade structure, final points established during site plan review.	
Public Open Space	20
Provision of 13% additional open space (above the 10% required).	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Purchase/payment for BLTs: $((575,787\text{sf incentive density} \cdot 0.05) / 20,000) = 1.44 \text{ BLTs}$	
Tree Canopy	10
Coverage of 25% of on-site open space with tree canopy at 15 years of growth.	
Cool Roof	10
All non-vegetated roofs with a slope at or below 2:12 must have a minimum solar reflectance index (SRI) of 75; those flatter must have a minimum SRI of 25.	
Total	106

The proposed development must be constructed with the public benefits approved by this Resolution, except that the Applicant may adjust the percentage or type of public benefits shown on the Public Benefits Table of the Sketch Plan during site plan review as long as the total equals at least 100 percent of the

incentive density required by section 59-C-15.82. The Applicant may eliminate, add, or modify individual public benefits if the Planning Board finds that any changes continue to support the findings required by the zone.

6. *The sketch plan establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The proposed development may be built in two phases. Either of the phases will require construction of master-planned Road B-9 and completion of public benefits that are generally proportional to either building. Approximately one-half of the open space, affordable housing, structured parking, neighborhood services, design elements, tree canopy, cool roof, and BLTs are required by whichever building is completed first. Likewise, any streetscape improvements and uses will be equally shared by any phasing plan. Thus, no particular provisional phasing plan is required at this stage of design. A full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Master Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to it must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to

further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120010, Mallory Square, stamped received by M-NCPPC on September 20, 2011 and October 20, 2011 are required except as modified herein; and

BE IT FURTHER RESOLVED that the date of this Resolution is FEB 2 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

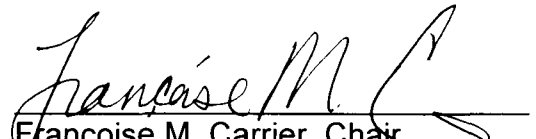
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with

MCPB No. 11-108
Sketch Plan No. 320120010
Mallory Square
Page 12

Commissioner Presley abstaining, at its regular meeting held on Thursday, January 26, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

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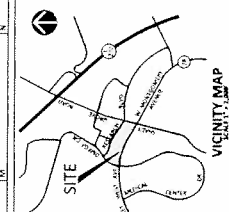
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VICINITY MAP
MALLORY SQUARE

GENERAL NOTES

1. ALL NOTES REFER TO THE PROJECT MANUAL AND THE SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.
6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPING.
7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING TRAFFIC SIGNALS AND LIGHTS.
8. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STREET LIGHTS.
9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SIGNAGE.
10. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES.
11. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STRUCTURES.
12. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPING.
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14. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STREET LIGHTS.
15. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SIGNAGE.
16. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES.
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20. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STREET LIGHTS.
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26. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STREET LIGHTS.
27. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SIGNAGE.
28. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES.
29. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STRUCTURES.
30. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPING.

SUPPORTING PLANS (SEPARATE)

SEE SHEET 100 FOR SUPPORTING PLANS.

DEVELOPMENT PROGRAM

THE DEVELOPMENT PROGRAM IS DESCRIBED IN THE PROJECT MANUAL AND THE SPECIFICATIONS.

DESIGN EXCEPTIONS (TO BE APPROVED BY MDOT)

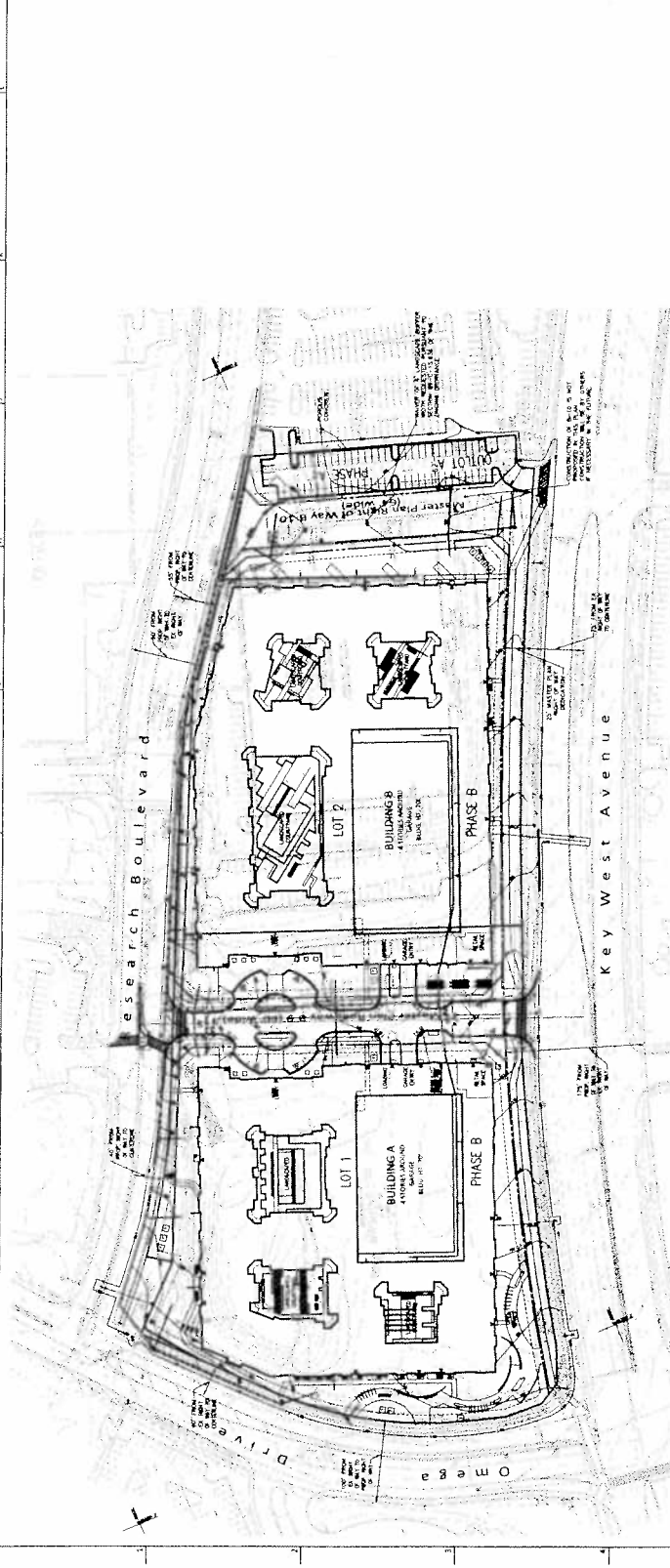
NO DESIGN EXCEPTIONS ARE REQUESTED FOR THIS PROJECT.

PROFESSIONAL CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that I am a duly licensed Professional Engineer in the State of Maryland, and that I am the author of the design shown on this drawing.

PROFESSIONAL CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that I am a duly licensed Professional Engineer in the State of Maryland, and that I am the author of the design shown on this drawing.



Lotting Diagram

SEE SHEET 100 FOR LOTTING DIAGRAM.

ROADWAY B-S SECTION WITH PARKING



ROADWAY B-S SECTION WITHOUT PARKING



ACCESSIBLE & MOTORCYCLE SPACES

TYPE	NO.	AREA (SQ. FT.)	TOTAL AREA (SQ. FT.)
Accessible	10	100	100
Motorcycle	10	100	100
Total	20	200	200

LOADING AND BIKEWAY SPACES, BUILDING A

TYPE	NO.	AREA (SQ. FT.)	TOTAL AREA (SQ. FT.)
Loading	10	100	100
Bikeway	10	100	100
Total	20	200	200

LOADING AND BIKEWAY SPACES, BUILDING B

TYPE	NO.	AREA (SQ. FT.)	TOTAL AREA (SQ. FT.)
Loading	10	100	100
Bikeway	10	100	100
Total	20	200	200

RESIDENTIAL USE UNIT MIX

UNIT TYPE	NO.	TOTAL AREA (SQ. FT.)	TOTAL AREA (SQ. FT.)
1-Bedroom	10	100	100
2-Bedroom	10	100	100
3-Bedroom	10	100	100
Total	30	300	300

PLAN LEGEND

SYMBOL	DESCRIPTION
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Parking Spaces
(Symbol)	Proposed Accessible Spaces
(Symbol)	Proposed Motorcycle Spaces
(Symbol)	Proposed Loading Spaces
(Symbol)	Proposed Bikeway Spaces

DATE: 08/15/2023
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1" = 40'

PROJECT: MALLORY SQUARE

DATE: 08/15/2023

PP-1



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

July 25, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Mallory Square, DAIC 120120180, NRI/FSD application accepted on 3/14/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief



June 20, 2012

Mr. Mark Pfefferle
 Acting Chief
 Regulatory Coordination & Development Applications Management
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD20910

RE: Forest Conservation Variance Request
 Mallory Square
 Final Forest Conservation Plan
 VIKA #M1667A

Dear Mr. Pfefferle:

On behalf of our client, Woodfield/Meridian Shady Grove, LLC/BNA Washington, Inc. we are submitting this request for a variance from the requirements of the Forest Conservation Law for the State of Maryland. This request is made under the variance provisions of the Montgomery County Forest Conservation Ordinance to comply with Natural Resources, Title 5, §5-1607(2) of the Maryland Code, which requires the Applicant to file a request for a variance to disturb and/or remove trees that are 30" DBH or greater or trees that are 75% the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan (FCP) Approval prior to October 1, 2009.

Mallory Square is classified in the CR Zone located within the Great Seneca Science Corridor Sector Plan and has received approvals for Sketch Plan #320120010 on February 2, 2012 and Natural Resources Inventory (NRI) #420111560 on April 25, 2012. This variance request is submitted in conjunction with the Final FCP and concurrent Preliminary Plan and Site Plan submissions for the project.

The pending Preliminary and Site Plans include a mixed use development for the site. The trees which are the subject of the variance request are located within the proposed limits of disturbance and will be significantly impacted by the proposed development activity. The trees are located within the north central portion of the site, and adjacent to the northern property line along Research Boulevard.

Table 1 below lists the trees as they are identified on the Forest Conservation Plan and provides their respective measurements.

Table 1

Variance Tree #	Species	Diameter /DBH (inches)	Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
4v	<i>Quercus palustris</i>	32	Good	Remove	7,238	6,363	88%
10v	<i>Acer rubrum</i>	31	Good	Remove	6,793	6,793	100%
13v	<i>Pinus strobus</i>	30.5	Good	Remove	6,576	6,576	100%

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 * Germantown, Maryland 20874 * 301.916.4100 Fax 301.916.2262
 McLean, VA * Germantown, MD * Washington, DC

www.vika.com

Tree # 4v

32" Pin Oak (*Quercus palustris*): located on subject property near the northern border along Research Boulevard. Condition: Good; Proposed CRZ Impacts: Severe at 88% - due to impacts from the proposed construction of Building A, and bio-filtration facility.

Disposition: Tree is to be removed.

Tree # 10v

31" Red Maple (*Acer rubrum*): located in the central portion of the site, to the west of proposed Master Plan Roadway B-9. Condition: Good; Proposed CRZ Impacts: Severe at 100% - due to the proposed construction of Building A, and Master Plan Roadway B-9.

Disposition: Tree is to be removed.

Tree # 13v

30.5" Eastern White Pine (*Pinus strobus*): located in the northern central portion of subject property, to the east of proposed Master Plan Roadway B-9. Condition: Good; Proposed CRZ Impacts: Severe at 100% - due to the proposed construction of a bio-filtration facility, and Building B.

Disposition: Tree is to be removed.

In accordance with the provisions of Natural Resources Code §5-1611 and Chapter 22A-21 of the Montgomery County Forest Conservation Law, an applicant may request a variance from the Forest Conservation Law if the enforcement would result in unwarranted hardship. The variance request must provide the following mandatory requirements:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provide any other information appropriate to support the request.

We submit the following rationale in support of our request for a Forest Conservation variance:

1. The requested variance is necessary for implementation of the proposed Mallory Square development. The accompanying concurrent submission of the Preliminary and Site Plan are constant in character with the previously approved Sketch Plan #320120010. The development of the proposed plans in accordance with the Sketch Plan will require the removal of trees 4v, 10v, and 13v since the entire site will require extensive clearing and grading to accommodate the construction of a mixed-use development, Master Plan Roadway B-9, streetscape improvements, stormwater management facilities, and associated public use space.

The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process.

2. The requested variance is based on plans being developed through the County planning process, and adheres to the requirements of the Great Seneca Science Corridor Sector Plan, Approved Sketch Plan, and



the County Zoning Ordinance. As the Final Forest Conservation Plan shows, there are 0.45 acres of existing forest on this urban site. Afforestation requirements for the site total 2.47 acres which will be met by a combination of on-site landscaping and off-site reforestation. If the variance is not granted, the landowner will not be able to implement the development plans approved by the County. On balance, given the projects compliance with the development standards of the zone, retaining the three specimen trees would unfairly restrict the landowners rights to develop.

3. The concept stormwater management plan for the Mallory Square project has been submitted to Montgomery County Department of Permitting Services for approval. It has been designed in accordance with the latest revisions to the Maryland Stormwater Management Design Manual Chapter 5 (latest revision dated March 2009) and the consequential addendum, the Environmental Site Design (ESD) Process & Computations Addendum issued July 2010. The site has an existing SWM pond which will be removed and the proposed development will provide ESD for the entire project through micro-bioretenention facilities with enhanced filters, micro bio-swales, planter box micro-bioretenention facilities, and porous pavement. The project will not have green roof because of the wood frame construction.

The remaining individual trees proposed for removal are neither located within an existing forest nor are they located within a water resource (i.e. stream or wetland) or an associated buffer. Therefore we believe the removal of the three specimen trees will not affect water quality standards or cause measurable degradation in water quality.

Thank you for your consideration of this variance request. We believe that the supporting information justifies the variance and that staff will recommend approval to the Planning Board for this request to remove three specimen trees. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA, Inc.

Cindy Todd, RLA
Director of Planning

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plan summary

The *Great Seneca Science Corridor (GSSC) Master Plan* envisions a vibrant Life Sciences Center (LSC) where the foundation of health care, biotechnology, and academia combine to create a dynamic and sustainable science and medical hub. Knowledge will drive its agenda, attracting international scientists, business leaders, physicians, and professors who will contribute ideas and insights for the future. Labs, classrooms, research centers, and universities will encourage and foster cutting-edge discoveries. The LSC should evolve into a place where the physical form—buildings, open spaces, and amenities—is as inspiring as the discoveries occurring inside.

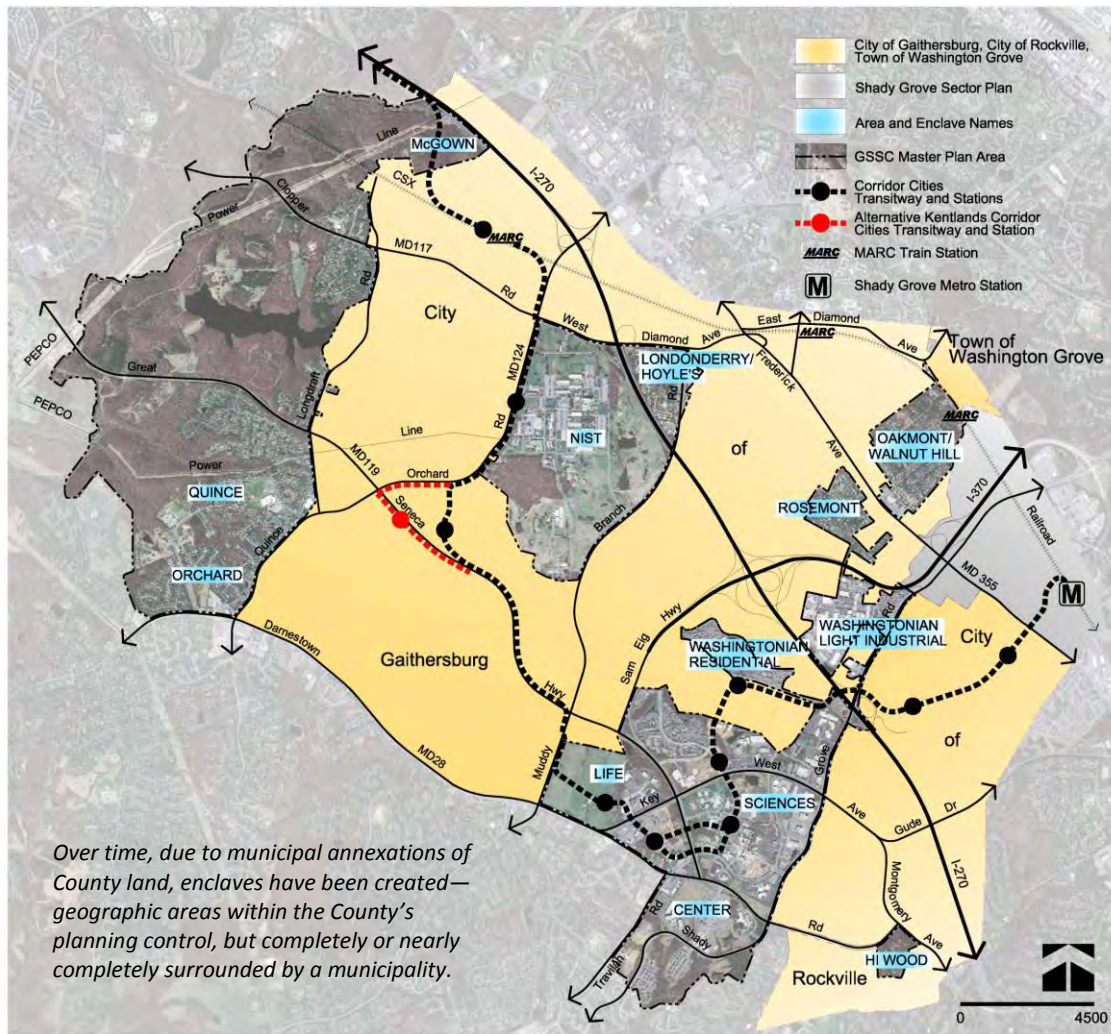
This Plan's vision will develop over 25 to 35 years. During that time, the local and national economy will experience three or four business cycles. These economic cycles make it imperative to periodically check the Plan's progress and recommendations. Regardless of the pace of growth, it is essential to establish a vision and provide a blueprint for the future that will enable the LSC to evolve over time.

While this Plan is about providing opportunities for future world-leading scientific research, it is also concerned with protecting residential neighborhoods and investments made by businesses and institutions in the area. Growth and change in the LSC must occur in a way that does not overburden the surrounding communities. This Plan's explicit staging recommendations are essential to preserving the quality of life that residents enjoy. Infrastructure—particularly transit—must be provided before significant amounts of development can be built. Staging development ensures that growth will be managed and timed with the delivery of the infrastructure necessary to support it.

Key Recommendations

- Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests.
- Align the Corridor Cities Transitway (CCT) through the LSC and provide four transit stations that will be the focal point of new development in the LSC North, Central, West, and Belward districts.
- Concentrate density, building height, and civic green spaces at the CCT stations. Provide appropriate transitions to adjacent neighborhoods and to the historic Belward Farm.
- Create a grid pattern of new streets that improve local circulation and connectivity among the LSC districts, promote alternatives to car use, and enhance access to the future transit stations.

map 1 Great Seneca Science Corridor Master Plan



- Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation.
- Replace the Public Safety Training Academy (PSTA) in the LSC West District with a new residential community that includes supporting retail, open spaces, and community facilities.
- Maintain the established residential neighborhoods throughout the GSSC Master Plan area.
- Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality.
- Ensure that development in the Piney Branch Special Protection Area uses the best available stormwater management treatment techniques to protect the watershed's headwaters.
- Meet the recreation needs of the GSSC area by identifying and acquiring a site for a new local public park in the Quince Orchard area and requiring the dedication of parkland for new parks and open spaces in the LSC Districts.
- Support the County's Agricultural Reserve with zoning that requires acquisition of Building Lot Termination (BLT) easements to achieve maximum densities.

overview and context

Forty-five years ago, the County identified the I-270 Corridor as a place for higher densities in a series of Corridor Cities supported by a comprehensive transportation network. Since then, jobs and business opportunities have attracted skilled workers and business investment that have in turn enabled local government to provide quality schools, amenities, and services.

The GSSC Master Plan area covers 4,360 acres in the heart of the I-270 Corridor. It includes the Life Sciences Center, the western Quince Orchard neighborhoods and enclave areas such as the National Institute of Standards and Technology (NIST) and Rosemont, which are completely or nearly completely surrounded by a municipality. The City of Gaithersburg occupies 10 square miles in the center of the Plan area. The City of Rockville borders the Plan area on the east and the Town of Washington Grove is located to the northeast. The incorporated municipalities have their own planning and zoning authority and are not part of the County's master plans.

The Life Sciences Center has played a significant role in establishing the Corridor as a globally known center for science and technology-driven industry, home to biotechnology companies, higher education facilities, and a quality medical center. This Plan provides a blueprint for the future that will transform the LSC into a vibrant place served by transit and enhanced by activating uses, open spaces, and amenities.

Planning Framework

The Plan's recommendations are consistent with State and County planning policies.

- The 1964 General Plan identifies the I-270 Corridor (which includes the LSC) for concentrated, high-density development supported by a comprehensive transportation system including a major highway network, rail lines, and centers called Corridor Cities.
- The 1992 Economic Growth, Resources Protection and Planning Act requires local plans to protect sensitive environmental resources.
- The 1993 *General Plan Refinement* supported the Corridor Cities concept but acknowledged that it had not yet fully evolved.
- The 1997 Priority Funding Areas Act directs State spending to support smart growth, typically to existing communities and places where local governments want investment to support future growth. The entire Master Plan area is within a Priority Funding area and is eligible for State funding.

the life sciences center

Planning for Science, Health Care, and Transit

The Plan's vision for the LSC builds on the strong foundation of existing institutions and businesses, and the County's land use plan that brought together health services, academia, and research and development companies. Today, the LSC has the largest concentration of, and is the premier location for, research and biotechnology companies in the County.



The future viability of the LSC requires the following components:

- opportunities for growth and expansion of existing enterprises
- a dynamic environment that will attract skilled workers and investment
- infrastructure and services to support future development
- staging development to balance growth and minimize adverse impacts
- sustainable practices that provide a quality of place.

Transit is an essential element of this Plan and is the basis for the land use and zoning recommendations. A strong public and private commitment to the Plan's transit proposals will help ensure that the LSC is connected internally as well as to the rest of the Corridor.

Vision

"It's heading right at us, but we never see it coming...The most important things happening in the world today won't make tomorrow's front page...They'll be happening in laboratories—out of sight, inscrutable and unhyped until the very moment when they change life as we know it."

— "The Future is Now," *The Washington Post*, April 13, 2008

This Plan establishes a blueprint for the LSC that includes an expanded, first-class medical center, research facilities, academic institutions, and an array of services and amenities for residents, workers, and visitors. It will have an open space system that incorporates the area's natural environmental features into a larger network, connecting destinations by paths and trails, and providing opportunities for a range of outdoor experiences.

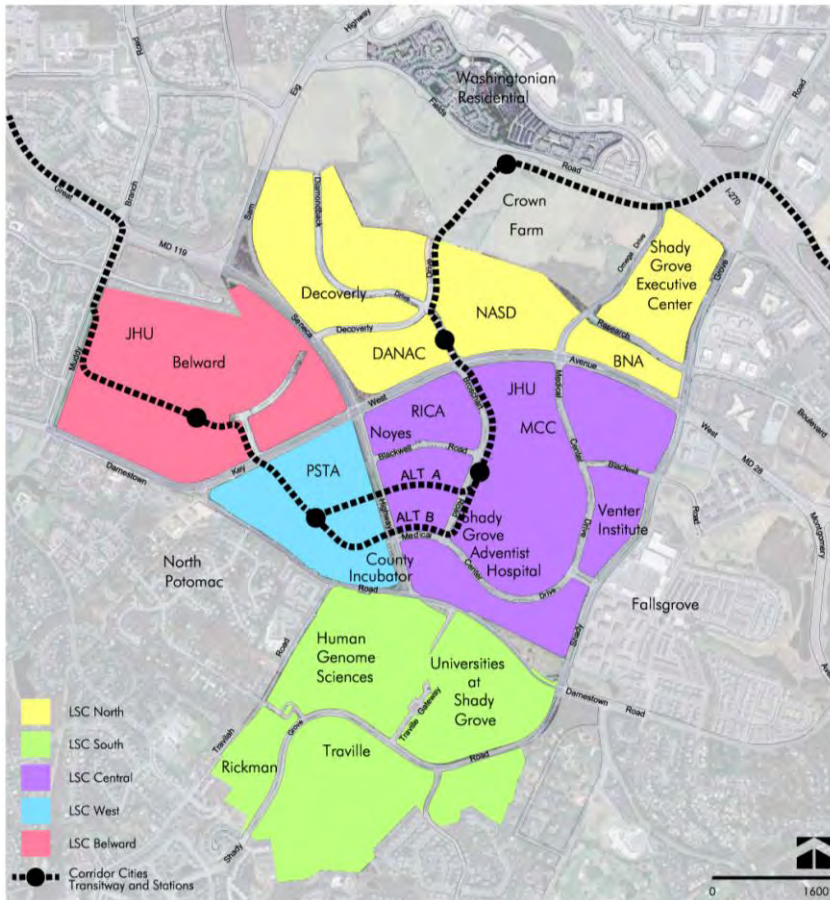
The LSC of the future will be served by a fully integrated transit system that links mid-County activity centers via the Corridor Cities Transitway (CCT). Access to high quality transit is increasingly important to businesses trying to attract knowledge-based, creative class workers. The LSC will continue to be a specialized employment center but it will be connected by transit with nearby residential communities at the Shady Grove Metro Station, the King Farm, the Crown Farm, Kentlands, and the Watkins Mill Town Center.

The following objectives will help implement the Plan's vision:

- Life science uses should be given priority.
- Density and height should be concentrated at transit stations amid transit-oriented mixed-use development at LSC Central, LSC West, Belward, and LSC North.
- Historic and environmental resources should be protected.

- Buildings within one-eighth mile of the future CCT stations should be at least 60 feet high. In all other areas, the desired minimum building height is 36 feet (three stories of occupied space) in order to retain land for future higher densities.
- Mixed-use development is emphasized; single purpose or free standing retail buildings are inconsistent with the Plan’s vision in any phase of development.
- Structured parking should be hidden from the street; although surface parking is inconsistent with the Plan’s vision, it is anticipated and acceptable on an interim basis.

map 5 Life Sciences Center Districts



In previous plans, the Life Sciences Center was identified as the block that includes Shady Grove Adventist Hospital and the larger area was called the R&D Village. This Plan applies the term LSC more broadly to five districts, incorporating the Belward property to the west and the Universities at Shady Grove to the south.

Today’s LSC

The LSC’s two academic institutions—the Universities at Shady Grove (USG) and the Johns Hopkins University-Montgomery County Campus (JHU-MCC)—have increased its prominence and expanded opportunities for collaboration. Shady Grove Adventist Hospital provides the broader community with a full range of health care services. A number of biotechnology companies, including Human Genome Sciences, BioReliance, and the J. Craig Venter Institute, are located here. Many of the goals for the LSC have been realized. As originally envisioned, the LSC had a specific land use purpose with a unique employment niche. Residential and retail development was planned for large tracts surrounding the LSC, rather than integrated within the Center. The LSC and R&D Zones ensured that land would be reserved for life sciences to concentrate these uses and accomplish the original vision for the LSC. Housing and retail were specifically excluded from the LSC and R&D zones to enable the

Housing

This Plan's primary goal is to create a world class life sciences center. A range of housing options and amenities is needed to support this development and help achieve County housing goals, including Moderately Priced Dwelling Units and workforce housing. The transportation infrastructure proposed in this Plan will link the LSC districts in a sustainable development pattern where people can walk, bike, or use transit to reach their destinations.



One of the County's fundamental planning tools is the jobs-housing balance—the ratio of jobs to housing units in an area. Creating a balance provides the opportunity for people to live near work, which can reduce traffic congestion. While a balanced jobs-housing ratio does not guarantee that the housing will be occupied by those who work nearby, opportunities to live near work should be provided.

To date, the LSC has developed as a single-purpose, single-use employment center. Housing has not been a permitted use so the jobs-housing ratio within this area is not balanced. Because the LSC's focus has been on economic development and jobs, not housing, achieving the optimal jobs-housing balance within this small geographic area is unrealistic. However, over a broader area, the appropriate ratio can be achieved.

The 1990 Plan proposed new residential neighborhoods on large tracts of land near the LSC, including new neighborhoods at the King Farm, the Crown Farm, and the Thomas Farm (Fallsgrove). King Farm and Fallsgrove were annexed into the City of Rockville and are nearly built-out. The Crown Farm was annexed into the City of Gaithersburg, which approved a mixed-use community with 2,250 dwelling units that is not yet under construction. Existing housing that is near the LSC and within the Plan boundaries totals 3,262 dwelling units (of which 230 are senior units) at the Decoverly and Traville communities and the Washingtonian cluster north of Crown Farm.

This Plan recommends a new residential community on the current site of the County's Public Safety Training Academy (PSTA), LSC West. Housing development on this site could yield 2,000 new dwelling units. In addition, the Plan recommends that housing be allowed as a secondary use in the LSC Central District, which, along with several other sites in the greater LSC, could yield 3,750 new dwelling units. In LSC Central, the Plan allows 30 percent of the density to be used for housing. If all LSC Central property owners utilized this option, the total dwelling units in the district could be 2,225. This maximum theoretical amount will not be achieved in LSC Central due to the existing built environment and the business objectives of the property owners.

The LSC will be part of a continuum of communities linked by the CCT, enabling people to live and work within the corridor and get where they need to go by transit. At CCT stations to the east and west of the LSC, over 10,000 dwelling units are planned in pedestrian-oriented, mixed-use communities, including the Shady Grove Metro Station, the Crown Farm, and Watkins Mill Town Center. Creating such places fosters sustainable development and helps reduce sprawl as well as our dependence on autos.

Urban Form and Open Spaces

The LSC districts will be connected through a refined street network, transit, and trails. The highest density and building height will be concentrated at the proposed CCT stations. People may live and work in the same district, but interact with colleagues in another district. Overall, mobility will be enhanced through options other than cars, and shorter trips.



The streets, buildings, and open spaces will create a physical environment that supports the research community and enhances opportunities for people to interact. Design guidelines for the LSC, in a separate document, provide detail to guide new development and implement the urban form recommendations in this Plan.



The Plan's urban design recommendations set the scale and character for the LSC.

- Circulation on a pedestrian-oriented street grid that creates pedestrian and bicycle connections to transit and between uses and districts.
- Buildings that define the public spaces, streets, plazas, parks, and views.
- A system of public open spaces that provides a setting for community activity and also preserves natural resources.
- A standard for sustainability that reflects the LSC's cutting edge science.

Circulation

The LSC will have a walkable street system with a grid network. Streets and transit will tie the districts together. The LSC Loop, described below, will unify the pedestrian and bicycle circulation system of sidewalks, bikeways, trails, and paths that provide mobility and recreation options. The CCT will include a multi-use path that will enhance connectivity among the LSC districts.

- Grid network of streets
- Sidewalks connecting districts, providing access to transit and public spaces
- CCT transit stations and multi-use path

Buildings

Buildings oriented to the streets and public spaces will be built based on development standards that accommodate a variety of uses, including laboratories, prototype manufacturing, offices, academic buildings, residences, and retail spaces. Allowing mixed uses is critical to achieving the Plan's vision. Building standards will also ensure that new development provides compatible transitions to adjacent neighborhoods along Darnestown and Muddy Branch Roads.

- Buildings and residential entrances oriented to streets
- Parking garages located on block interiors
- Visible retail focused at CCT stations

Sustainability

Sustainability is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. A sustainable community integrates economic viability,

promotion of renewable energy generation, increased carbon sequestration and reduced urban heat island effect.

To reduce carbon footprint, this Plan:

- Recommends development that is compact, features a mixture of land uses, is walkable and served by public transit to make efficient use of land and resources, to reduce vehicle miles traveled and facilitate non-motorized travel.
- Creates opportunities for new development and redevelopment that take advantage of existing infrastructure and adaptive re-use of existing structures where feasible.
- Recommends that development meeting LEED or equivalent certification of any level obtain as many points as possible from approaches that reduce carbon emissions, including:
 - Site and building design and orientation that takes advantage of passive solar heating and lighting opportunities, maximizes potential for use of renewable solar energy systems, and permits passive cooling through proper shading and ventilation.
 - A commitment to reduce energy and water consumption.
 - A commitment to use recycled building materials, locally produced materials, and local labor.
 - A commitment to use building deconstruction techniques to facilitate re-use and/or recycling of building materials.
 - A commitment that new buildings meet the minimum energy efficiency standards of 17.5 percent below the calculated baseline performance or meet the appropriate ASHRAE advanced energy design guide. Renovated buildings should commit to meet a 10.5 percent energy efficiency standard below the calculated baseline performance or meet the appropriate ASHRAE advanced energy design guide.
 - Incorporates renewable energy systems to supply a portion of a building’s energy needs, where feasible. Such systems may include:
 - solar power
 - wind power
 - geothermal heating and cooling systems.
- Recommends maximizing tree canopy coverage. (See goals for tree canopy coverage in the water quality section).
- Recommends the use of green roofs and walls.
- Recommends the use of light-reflecting roof surfaces where green roofs cannot be used.
- Recommends increasing vegetation throughout the Life Sciences Center. Approaches include:
 - Targeting unforested portions of regulated areas for reforestation.
 - Incorporating street trees and landscaping trees throughout the Life Sciences Center.
 - Use of vegetated roofs and walls.
 - Use of planter beds, bioswales and rain gardens.
 - Incorporating vegetation into hardscaped open space areas.

Protection of Biological Diversity

Protection of biological diversity focuses on preserving existing habitat, and on restoring habitat where feasible. Biological diversity is maintained when habitat is protected and invasive species are controlled. Control of invasive species and reducing wildlife overpopulations are operational issues not appropriate to address in a master plan. While an urban environment cannot typically support highly diverse plant and wildlife populations, much can be done to improve conditions for native plants and animals.

To protect biological diversity, the Plan:

- recommends preservation of existing natural areas, including the forest at the corner of Key West Avenue and Great Seneca Highway
- recommends the use of native plants and trees in landscaping and street tree planting to the maximum extent possible

LSC North and Washingtonian Cluster: Residential and Office

The 195-acre LSC North District is developed with several office parks, including DANAC, the National Association of Securities Dealers, Shady Grove Executive Center, and the Bureau of National Affairs. These properties are zoned I-3, O-M, and C-2. LSC North also includes the residential communities of Decoverly, with 1,144 townhouse and multifamily units along Diamondback Drive west of Decoverly Drive. The Washingtonian residential area is part of this Master Plan, but is geographically separated from the Life Sciences Center by the Crown Farm, which is in the City of Gaithersburg. The Washingtonian cluster is a housing resource for those who work in the LSC. As such, for purposes of staging, this area is included in the total amount of existing and approved dwelling units (3,300).

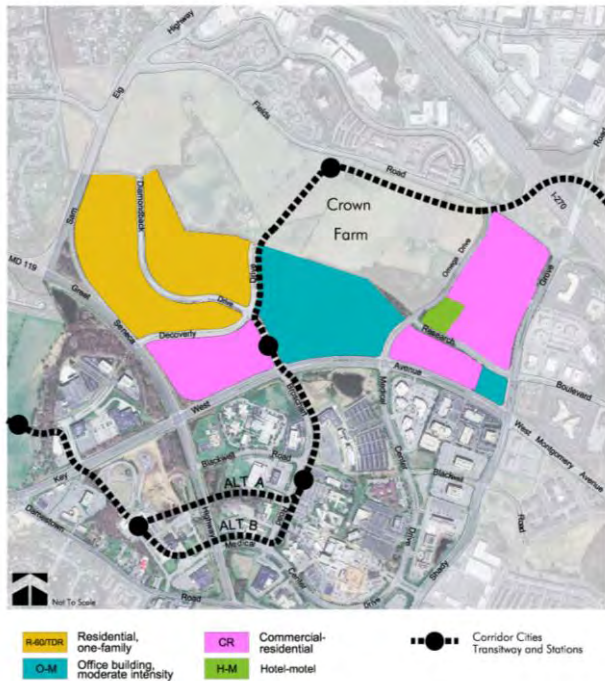
The LSC North CCT station is located on the east side of the DANAC property as part of the CCT alignment through the LSC. The Plan recommends that the DANAC property be rezoned from the I-3 Zone to a CR Zone. Rezoning DANAC to a mixed use zone with higher density will take better advantage of this transit station location. The DANAC parcel on the southeast corner of Key West Avenue and Diamondback Drive (the 6.93-acre Lot 7) is largely undeveloped and is adjacent to the proposed CCT station on the east side of the property. The recommended Zone for this parcel (Lot 7) is: CR 2: C 1.5, R 1.5, H 150. The remainder of the DANAC property should be zoned CR 1.0: C 0.5, R 1.0, H 80. Building height along Decoverly Drive adjacent to the residential community to the north is limited to 50 feet within 100 feet of the Decoverly Drive right-of-way (not including the 50-foot transit right-of-way).

The Plan does not recommend any zoning change to the National Association of Securities Dealers site. The Plan encourages mixed-use infill for the Shady Grove Executive Center and Bureau of National Affairs sites and recommends CR 1.5: C 1.5, R 1.5, H 100. Residential uses are encouraged, as are pedestrian-oriented local retail facilities that are compatible with and provide convenience for residents. Public benefits that improve connectivity and mobility or add to the diversity of uses and activity are encouraged. These should include the LSC Loop along Omega Drive as well as pedestrian connections to CCT stations at DANAC and Crown Farm.

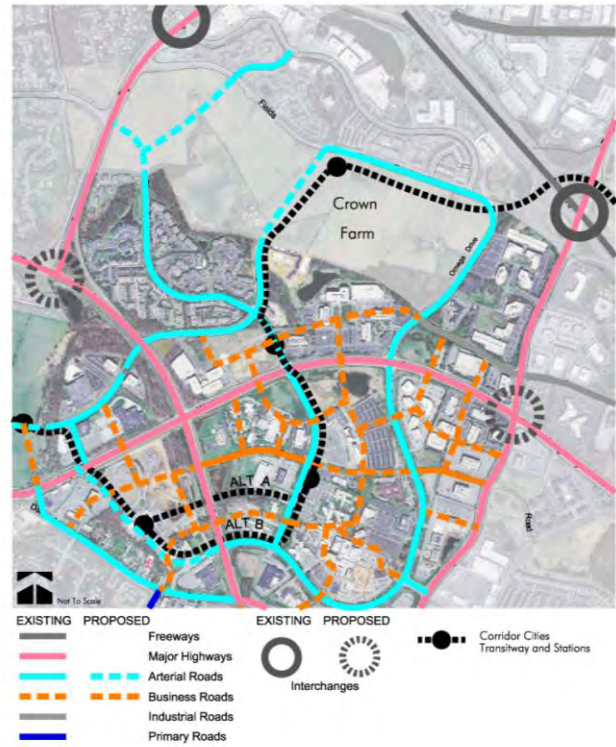
map 22 LSC North: Urban Form



map 23 LSC North: Proposed Zoning



map 24 LSC North: Mobility



Recommendations

- Extend Discoverly Drive north from its current terminus, into and through the Crown Farm to Fields Road.
- Extend Diamondback Road north from its current terminus into and through the Crown Farm to Fields Road.
- Rezone DANAC from the I-3 Zone to the CR Zone.
- Rezone the Shady Grove Executive Center property from the C-2 and O-M zones to the CR Zone.
- Rezone the Bureau of National Affairs property from the O-M Zone to the CR Zone.
- Provide for the LSC Loop, to be accompanied with the CCT from Fields Road to Diamondback Drive, and then along Discoverly Drive and across Great Seneca to the Belward site.
- Widen Key West Avenue (MD 28) to eight lanes divided.
- Construct interchanges at Great Seneca Highway (MD 119) and Sam Eig Highway and at Key West Avenue (MD 28) at Shady Grove Road.

Staging

Master plan staging addresses the timing of development and the provision of key public facilities. Staging assures sufficient capacity for the next phase of growth, provides essential place-making facilities, helps achieve a desired form of development, as well as necessary connections for efficient mobility within and around an area. Experience shows that all density allowed by zoning is rarely built and certainly not all at once. Market absorption rates are one limiting factor. Realizing the vision in this Plan will take time; its implementation should be monitored to evaluate how development is achieving the vision.

The Annual Growth Policy (AGP) is used to establish the policies and procedures for administration of the Adequate Public Facilities Ordinance (APFO). The LSC is in the R&D Village policy area, where the AGP indicates that, by suburban standards, area roads are congested and certain school clusters are overcrowded. Any new development will need to mitigate a percentage of its impact before it can move forward. The goal of the APFO is to ensure that transportation and school facilities have sufficient capacity for the Planning Board to approve specific development projects.

In addition to the APFO standards, this Plan recommends staging to ensure that infrastructure, particularly the CCT, is in place before development is allowed to proceed. Staging is applied to all five LSC districts with the exception of the Rickman property in LSC South. Each development stage will be initiated when all of the triggers for that stage are met. After a stage has been triggered, individual properties can proceed with Preliminary Plan approval.

The CCT is the centerpiece of the Plan's vision for the LSC. The Plan promotes transit-oriented development by concentrating higher density uses near future CCT stations. Staging principles seek to prevent the construction of low intensity uses at transit stations that could preclude or delay the recommended higher intensity uses. To achieve the vision, a mix of uses, particularly at transit stations, should be part of new development and redevelopment to enliven these areas, increase and encourage transit use, and help create a more dynamic Life Sciences Center.

The Plan provides stages and amounts of development that are tied to the CCT's funding, construction, and operation to ensure that transit is available as development proceeds. Relocation of the PSTA from the LSC West District is a part of staging to ensure that the alignment through the LSC can be achieved and to provide new housing with increases in jobs. Staging also requires that the non-driver mode share be documented and that increases be achieved over time, a goal that results in reduced traffic congestion and increased transit use. Public institutions are not subject to staging because these projects are reviewed as mandatory referrals.

Staging Requirements

In 2010, the LSC contains 7 million square feet of commercial development. Approximately 3.7 million square feet of commercial (non-residential) development has been approved but is not yet built in the five LSC districts. The total existing and approved commercial development in all five LSC districts is 10.7 million square feet. The total existing and approved dwelling units in the LSC area is 3,300.

This Plan recommends that the staging plan and its requirements be applied to all five LSC districts except the Rickman property in LSC South. The 3.7 million square feet of development in the pipeline is not subject to the Plan's staging requirements unless a project's Preliminary Plan expires. The owner of a property approved for commercial development may re-subdivide and convert to residential development and still be exempt from staging, provided that the change in development will not increase the number of vehicle trips. This may require an administrative adjustment in the number of approved jobs and housing units exempt from staging. If a Preliminary Plan expires, the development capacity associated with it becomes available to all eligible applicants. This released capacity would

essentially shift from the category of approved, pipeline development to the category of additional new development, while the total in the stage would remain unchanged.

In Stage 1, the Plan provides for the current 10.7 million commercial square feet (existing development and the approved pipeline), plus an additional increment of 400,000 square feet. Health care services are exempt from the requirements of Stage 1. Development above 11.1 million commercial square feet cannot proceed until all the prerequisites for Stage 2 have been met, including full funding of the CCT from the Shady Grove Metro Station to Metropolitan Grove within the first six years of the County's CIP or the State CTP.

Stage 1

Stage 1 allows an additional 400,000 square feet of commercial (nonresidential) development and 2,500 additional dwelling units. Existing and approved development totals 10.7 million square feet and Stage 1 allows 400,000 additional square feet for a total of up to 11.1 million square feet. Health care services are exempt from the requirements of Stage 1. Stage 1 allows 2,500 additional residential dwelling units.

7,000,000 existing development
3,700,000 approved development
400,000 additional new development
11,100,000 Total Stage 1 commercial development

3,300 existing and approved dwelling units
2,500 additional new dwelling units
5,800 Total Stage 1 residential dwelling units

Stage 2

Stage 2 allows a total of 13.4 million square feet of commercial development and 7,300 dwelling units, of which up to 11.1 million square feet of commercial development and 5,300 dwelling units may have been built in Stage 1. After all the prerequisites required before Stage 2 have been met, development above 11.1 million can proceed, including an additional 2.3 million square feet of additional commercial development, up to a total of 13.4 million square feet. Stage 2 allows 2,000 additional residential dwelling units.

11,100,000 Stage 1 development
2,300,000 Stage 2 additional new development
13,400,000 Total Stage 2 commercial development

5,800 Stage 1 dwelling units
2,000 Stage 2 additional dwelling units
7,800 Total Stage 2 residential dwelling units

Stage 3

Stage 3 allows a total of 15.7 million square feet of commercial development and 9,000 dwelling units, of which 13.4 million square feet of commercial development and 7,300 dwelling units may have been built in Stages 1 and 2. After all the prerequisites required before Stage 3 have been met, development above 13.4 million square feet can proceed, including an additional 2.3 million square feet of new development, up to a total of 15.7 million square feet. Stage 3 allows 1,200 additional residential dwelling units.

13,400,000 Stage 2 development
2,300,000 Stage 3 additional new development
15,700,000 Total Stage 3 commercial development



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 25, 2012

Mr. Patrick Butler, Planner
Area Two Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120180
Mallory Square

Dear Mr. Butler:

We have completed our review of the revised preliminary plan dated August 15, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on July 23, 2012. These comments are also based on subsequent plan revisions not reflected on the August 15th drawing. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for future widening of Key West Avenue (MD 28), Omega Drive, and Research Boulevard in accordance with the master plan.
2. Full width dedication of master planned business street B-10 in accordance with the master plan. As discussed previously with your office and the applicant, we support Planning Board approval to reduce the right-of-way width for this road to sixty four (64) feet (to accommodate a future forty (40) foot pavement section with six (6) foot lawn panels and one (1) foot maintenance strips on each side of the right-of-way).
3. Full width dedication and construction of master planned business street B-9.
4. Dedicate standard right-of-way truncations at the intersections of all public streets.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

6. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
7. The June 2012 storm drain capacity and impact study indicates the ten (10) year post-development runoff from the site is increasing (from 37.04 cfs under existing conditions to 60.90 cfs under post-development conditions). The 36 inch downstream receiving storm drain pipe under Omega Drive has a computed capacity of 69.95 cfs under full flow conditions and a maximum capacity of 75.25 cfs; we agree with the consultant's conclusion that the existing downstream public storm drain system has adequate capacity to handle the post-development runoff.

However, that study did not analyze the efficiency of the existing downstream public inlets. This study needs to be submitted to the Department of Permitting Services with the Paving & Storm Drain plans – to determine if modifications to and/or additional inlets are needed to accommodate the increased runoffs.
8. The sight distances certification form indicates adequate visibility at two locations along Research Boulevard. However, the form identifies those intersections as "Entrance 1" and "Entrance 2" – not master planned roads "B-9" and "B-10" that are labeled on the plan. For this reason, we are unable to approve that form at this time. Prior to approval of the record plat by the Department of Permitting Services, the consultant will need to submit an amended Sight Distances Evaluation certification form, for DPS' review and approval.
9. Waiver from the Montgomery County Planning Board for less than six hundred (600) feet spacing between intersections along a major highway.
10. Private driveways shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private driveways, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
11. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
12. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. We note the SU-30 truck turning movement template for the proposed curb return adjacent to the eastbound right turn movement (from Research Boulevard to master planned road B-9) shows the vehicle rubbing the curb and crossing the centerline of B-9; the radius should be revised to correct this situation.
13. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.

14. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
15. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
16. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of master planned road B-10, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat.

We support approval of the amended covenant conditions proffered in Mr. Scott Wallace's August 15, 2012 letter to the Montgomery County Planning Board.

The deed reference for this document is to be provided on the record plat.

17. Access and improvements along Key West Avenue (MD 28) as required by the Maryland State Highway Administration.

We recommend the applicant relocate the existing 8-foot wide asphalt bike path (that runs on the north side of MD 28 between Omega Drive and Shady Grove Road) to its ultimate location (for DB-43) and provide transitions at each terminus and crossing as appropriate. Maintain the existing bike path during construction.

18. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
19. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
21. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.

22. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
23. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800. The traffic mitigation agreement will include but not be limited to the following element:
 - Provide space for one 19-dock bikesharing station. The location of the station will be selected by the Applicant with approval of MCDOT based on the requirements of the bike sharing system (in a highly-visible, convenient and well-lit location on the Project). If zoning regulations or other provisions so provide, the Project will be required to pay the capital cost of such station and five years of operating expenses in return for other benefits.
24. Parking considerations:
 - Please provide additional information regarding the parking waiver request to the Commuter Services Section – attention Sande Brecher.

Also, provide for shared parking to the maximum extent possible.

Note: On-street parking spaces cannot be counted towards meeting the project's parking space requirements. We reserve the right to remove on-street parking to address traffic operations and/or safety concerns.

 - Provide flexibility in design of parking areas to enable mixed uses to share parking areas so as to make most efficient use of them. This also strengthens the incentive to reduce drive-alone commuting and parking among employees, since doing so frees up spaces for other uses including retail customers. That approach will only work if the unused parking areas for employees can be made available once a decrease in demand is realized.
 - Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots in office parking facilities.
 - Provide adequate number of car sharing vehicle parking spaces for Buildings A and B in highly visible, preferentially-located spots.
25. The bike path to be provided along the site frontage on Omega Drive (LB-1, dual bikeway) should comply with MCDOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency. Retain the sidewalk on Research Boulevard.

26. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along master planned road B-9, in accordance with modified MCDOT Design Standard no. MC-2005.01. Construct bulbouts in accordance with DPS guidelines.
 - B. Construct physical channelization (pork chop island) on master planned road B-9 at its intersection with Research Boulevard per the amended concept plan submitted by the applicant on September 21, 2012.
 - C. Construct pedestrian refuge island on Research Boulevard near its intersection with master planned road B-9; location and details of same to be confirmed prior to submission of the Paving & Storm Drain plans.
 - D. Construct a pedestrian ramp on the southwest corner of the intersection of Research Boulevard and the existing traffic signal (entrance to the opposite side campus).
 - E. Install traffic signal conduit along the project's site frontages of Research Boulevard and Omega Drive.
 - F. Construct shared use path with handicap ramps along the Omega Drive site frontage.
 - G. Provide additional improvements to the existing public storm drain system, if necessitated by the pending inlet efficiencies analysis.

* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - H. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - I. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - J. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Mr. Patrick Butler
Preliminary Plan No. 120120180
October 25, 2012
Page 6

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our Development Review Area Engineer for this project at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/Traffic/Corres/FY13/Active/120120180, Mallory Square plan ltr.doc

cc: Margaret Smith Ford, Woodfield/Meridian Shady Grove
3403 Cummings La, Chevy Chase, MD 20815
Les Holmes, BNA Federal Credit Union 1801 South Bell St, #1319, Arlington, VA 22202
Scott Wallace, Linowes & Blocher 7200 Wisconsin Ave, #800, Bethesda, MD 20814
Bill Landfair, VIKA Maryland 20251 Century Blvd, #400, Germantown, MD 20874
Catherine Conlon M-NCPPC DARC
Josh Sloan M-NCPPC
Stephanie Dickel M-NCPPC
Ed Axler M-NCPPC
Scott Newill MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Dan Sanayi MCDOT
Bruce Mangum MCDOT
Brett Linkletter MCDOT
Sandra Brecher MCDOT
Beth Dennard MCDOT
Stacy Coletta MCDOT



State Highway Administration

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

August 27, 2012

Re: Montgomery County
MD 28
Mallory Square
SHA Tracking No. 11APMO045
MD 28 (Mile Point 19.16)

120120180
820120130

Mr. Edward Axler
Area 2 Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Traffic Impact Study Report Addendum, dated June 22, 2012 prepared by The Traffic Group, Inc., (received on August 1, 2012) for the proposed Mallory Square residential development with ground-floor convenience retail development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 690 Mid-Rise Apartment Units with 5,000 square feet of ground floor Convenience Retail Development is proposed from one right-in/right-out site access roadway on MD 28 and one (1) full movement site access roadway on Research Boulevard. It should be noted that the site access roadway providing access from both MD 28 and Research Boulevard is the County master-planned roadway B-9.
- The traffic report concluded that the proposed development would negatively impact the Shady Grove Road at Research Boulevard and MD 28 at Omega Drive/Medical Center Drive intersections. Therefore, the following intersection improvements were proposed in the report:
 - Shady Grove Road at Research Boulevard – Modify westbound Research Boulevard approach from the existing 1 left-turn lane, 2 through lanes and 1 right-turn lane –to- 1 left-turn lane, 1 through lane, 1 through/right lane, and 1 right-turn lane.
 - MD 28 at Omega Drive/Medical Center Drive – Modify southbound Omega Drive approach from the existing 1 left-turn lane, 2 through lanes, and 1 right-turn lane – to- 2 left-turn lanes, 1 through lane, and 1 right-turn lane.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Edward Axler
Page 2 of 2

Based upon LATR guidelines, the AM and PM peak hour trips for convenience retail that are not part of a shopping center or a group of stores is supposed to be calculated using the Institute of Transportation Engineer's (ITE) Trip Generation, 8th Edition rates (rather than using the General Retail rates calculated by the M-NCPPC used in this report). Although the site trip generation will be higher using the ITE rates, SHA determined that the overall findings of the report would remain unchanged. While the SHA concurs with the intersection improvement recommendations at the two locations above, please submit a revised copy of the report for our records. Roadway improvement plans and traffic signal modification plans at the State-maintained MD 28 intersection with Omega Drive/Medical Center Drive must be submitted to SHA for review and comment as part of the plan submissions during the pre-permit engineering review phase and with the documents for the permit issuance submission phase.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have any questions or comments regarding the enclosed traffic report comments, please contact Mr. Larry Green at 410-995-0090 extension 20.

Sincerely,



Steven D. Foster, Chief
Access Management Division

SDF/lg

cc: Mr. Greg Leck, MCDOT
Ms. Felecia Murphy, SHA District 3
Mr. Venu Nemani, SHA District 3
Mr. Morteza Tadayon, SHA TFAD
Ms. Connie Yarborough, SHA TFAD
Mr. Subrat Mahapatra, SHA TFAD
Ms. Mary Deitz, SHA RIPD
Ms. L'Keisha Markley, SHA RIPD
Mr. Roy Gothie, SHA RIPD
Ms. Reena Mathews, SHA RIPD
Mr. Bob French, SHA CPD
Mr. Johnson Owusu-Amoako, SHA CPD
Mr. Errol Stoute, SHA TDSD
Mr. Saed Rahwanji, SHA TDSD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Scott Newill, SHA AMD
Mr. Mark McKenzie, SHA AMD
Mr. Kwesi Woodroofe, SHA AMD
Mr. Nick Driban, SHA AMD
Mr. John W. Guckert, The Traffic Group, Inc.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 6, 2012

Ms. Krupa Patel, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Mallory Square
Preliminary Plan #: 120120180
SM File #: 241347
Tract Size/Zone: 12.9 acres/CR-1.5
Total Concept Area: 12.9 acres
Lots/Block: na
Parcel(s): E
Watershed: Muddy Branch

Dear Ms. Patel:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro bioretention facilities, planter box micro biofilters, and pervious parking.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla

cc: C. Conlon
SM File # 241347

ESD Acres:	12.9
STRUCTURAL Acres:	0
WAIVED Acres:	0

officers

Erica A. Leatham, Esq.
Ballard Spahr LLP
Chair & Governance Chair

Ron Wolfsheimer
Calvert Group, Ltd.
Vice-Chair and Treasurer

Joan Griggs
Griggs Associates
Secretary & Chair of Grants

Kim Baich
How Sweet It Is
Chair of Development

Amy Harbison
Open Window
Creative Strategies LLC
Chair of Advocacy

Mara Mayor, Ph.D.
Education Consultant
Audit Chair

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board of directors

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Jacqueline C. Manger
West Creek Capital

Mitch Menchaca
Americans for the Arts

Phil Peng
District of Columbia Government

Bobbi Shulman
Artist

Ricardo Trujillo, CPA, CITP
Grossberg Certified
Public Accountants

Leslie S. Whipkey, CFR, CRPC
Merrill Lynch
Global Wealth Management

Julie Williams
National Parks
Conservation Association

adjunct to the board

Kenneth A. Lechter, Esq.
Legal Counsel



September 24, 2012

Stephanie Marsnick Dickel
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Stephanie:

The Arts and Humanities Council of Montgomery County (AHCMC) is delighted that the applicant for Mallory Square, Site Plan 820120130, has elected to make a payment on behalf of the Public Arts Trust (the Trust) in lieu of installing public art on-site. We understand that the maximum amount that the Trust will receive from this applicant is \$100,000, however final payment will be determined at the time of permitting and will be calculated based on 0.05% of the development costs associated with this project.

Funds from this applicant will be used for conservation of two signature pieces in the Public Arts Trust collection as well as to commission temporary public art, for maintenance, and for the requisite administrative support to manage these projects. The developer will be credited with appropriate signage at each of these installations.

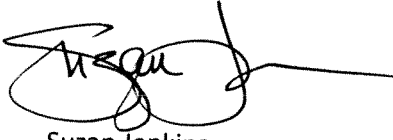
Specifically, funds will be used for:

- Conservation and relocation of *Criss-Cross* by Albert Paley. Paley is an internationally renowned artist who will have a retrospective at the Corcoran in the summer of 2014. We want to complete this project in time for this major event. We also want to support an ongoing display of temporary public art at the current site of *Criss-Cross*, next to the Silver Spring community garden. Here is the budget breakdown for this project:
 - Conservation and relocation of *Criss-Cross*. Estimated cost: \$40,000
 - Commissioning of ongoing temporary public art project at current site of Paley (\$5,000 annually, for a total of 3 years: Estimated cost: \$15,000);
- Conservation and relocation of *Muktesvara Arch / Gateway to the Mind* by Mary Ann Unger. This sculpture is currently in storage and will be relocated to Montgomery College. It was originally at the Gaithersburg Public Library. Estimated cost: \$20,000; and
- Maintenance, supplies and administration: Estimated cost: \$20,000.

801 ellsworth drive
silver spring, md 20910-4438
301.565.3805
fax: 301.565.3809
www.creativemoco.com

Stephanie, sincere thanks to you, Francoise and Molline, for your support; it is much appreciated. We look forward to working with you, the Planning Board and the Public Arts Trust Steering Committee to implement these public art projects under the auspices of the Public Arts Trust.

Best,

A handwritten signature in black ink, appearing to read "Suzan Jenkins", with a long horizontal line extending to the right.

Suzan Jenkins
CEO

Cc: Erica Leatham, Michele Cohen, Charlotte Patterson