

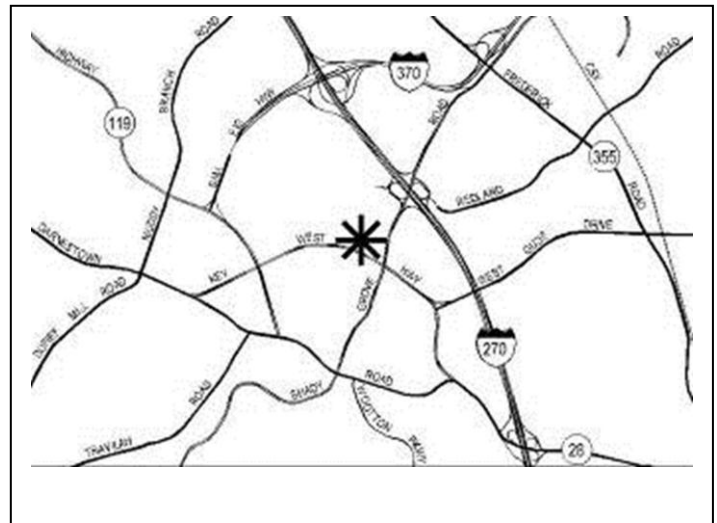
Mallory Square: Limited Site Plan Amendment No. 82012013A

- PB Patrick Butler, Planner Coordinator, Area 2 Division, Patrick.Butler@montgomeryplanning.org, 301-495-4561
- Khalid Afzal, Planner Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650
- GK* Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Description

Completed: 12/8/14

- Request to amend Condition Nos. 3 and 11, and the Development Program to clarify both the Development Program and expected timing of delivery of certain public benefits associated with the proposed buildings;
- 12.81 acres, CR1.5, C1.5, R1.5, H100 Zone;
- Located on Omega Drive, Research Boulevard, and Key West Avenue within the Great Seneca Science Corridor (GSSC) Master Plan area;
- Filing Date: 10/14/14;
- Applicant: Woodfield Investments.



Summary

- Staff recommends approval of the Limited Site Plan Amendment with conditions.
- Staff has not received any correspondence from noticed parties as of the date of this report.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Limited Site Plan Amendment 82012013A, which amends Condition Nos. 3 and 11, and the approved Development Program of Site Plan 820120130. All previous findings and conditions of approval remain in full force and effect, except as modified herein:

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 or in the Development Program pursuant to Condition No. 11. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

- a. Major Public Facilities (Bike Sharing Station)
- b. Transit Proximity
- c. Affordable Housing
- d. Structured Parking
- e. 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.
- f. Public Open Space
- g. Exceptional Design
- h. BLTs
 - Purchase or payment for 1.3024 Building Lot Terminations is required with 50% of the purchase or payment due 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.
- i. 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)
- j. 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.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program, ~~which 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 ~~p~~Phasing ~~s~~Schedule, ~~and a~~Any change to the Phasing Schedule must be approved by the Planning Board:

- 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~~ in accordance with the Phasing

Schedule provided in the Development Program. 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~~ in accordance with the Phasing Schedule provided in the Development Program.
- 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 p~~Phasing for installation of on-site landscaping and lighting.
- f. ~~The development program must provide p~~Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

SITE DESCRIPTION

Vicinity

The subject site occupies approximately the western two-thirds 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 will create three blocks out of this large block; the subject site comprises the western two future blocks.

The Property 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 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.

Site

The subject site comprises 12.81 gross acres, and Building I, which includes approximately half of both the 682 residential units and 3,500 square feet of retail uses onsite, is currently under construction. 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.



Image 1 – Site Aerial

PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Preliminary Plan No. 120120180 and Site Plan No. 820120130 by Resolution dated February 4, 2013, for a maximum of 800,000 square feet of development. The approval allows for construction of two new buildings containing 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.

Proposal

This Amendment proposes to slightly modify and clarify the timing and triggers for providing amenities for the project to reflect the actual construction sequence for the project. As originally approved, Condition No. 11 of the Site Plan requires all amenities associated with each building to be completed prior to issuance of any use-and-occupancy permit for each building. The Applicant and agencies did not anticipate the need to allow the amenities, and corresponding release of permits, to be phased to match the construction sequence of the two buildings in the project. Each of the two buildings is a large structure with more than one section and related courtyards. They will be constructed in sections, and each section will have use-and-occupancy permits associated with those individual sections. This will allow the Applicant to lease the units and begin generating revenue as the sections are completed instead of waiting until the entire building is complete. As currently written, Conditions 11(b)

and 11(c) prevent any portion of the building from being occupied until all the amenities for the entire building have been completed. Thus, the Applicant is seeking to amend the timing and triggers for the release of use-and-occupancy permits to correspond to the actual construction sequencing for the project. The proposed phasing is detailed in the modified Phasing Schedule of the Development Program (Attachment B), shown on the revised Site Plan submitted with this application, and ensure that the project’s amenities will be constructed as associated units are being leased and occupied. The revised Development Program will also better facilitate monitoring of the phasing schedule by the Department of Permitting Services staff. The proposed modifications do not alter the overall quantity of the required and approved amenities.

Building B Phasing Schedule		
	Timing Mechanism	Task
1	At any time	Release of Garage Use & Occupancy
2	Prior to release of first Residential Use & Occupancy	Applicant to complete lighting and sidewalk installation along the east side of Siesta Key Way, immediately adjacent to units seeking U&O
3	Prior to release of 67th Residential Use & Occupancy	Applicant to complete remaining amenity package on the property along east side of Siesta Key Way including bike racks & bench seating
4*	Prior to release of 155th Residential Use & Occupancy	Applicant to complete 1) Pool Courtyard and 2) sidewalk, lighting and amenities, if any, fronting Research Boulevard & Key West Avenue immediately adjacent to units seeking U&O
5*	Prior to release of 356th Residential Use & Occupancy	Applicant to complete all remaining public & private amenities on the property along Research Boulevard, Key West Highway & Street B10, east of Siesta Key Way
		Applicant to install a 15 dock/8 bike Bike Share Station, or provide MNCPPC evidence of payment to the County for Bike Share Station, and notify MCDPS and MNCPPC of status in writing
		Applicant to complete as built for landscaping and cool roof for Building B
Building A Phasing Schedule		
	Timing Mechanism	Task
6	At any time	Release of Garage Use & Occupancy
7	Prior to release of first Residential Use & Occupancy	Applicant to complete lighting and sidewalk installation along the west side of Siesta Key Way, immediately adjacent to units seeking U&O
8	Prior to release of 57th Residential Use & Occupancy	Applicant to complete remaining amenity package on the property along west side of Siesta Key Way including bike racks & bench seating
9*	Prior to release of 133rd Residential Use & Occupancy	Applicant to complete 1) Pool Courtyard and 2) sidewalk, lighting and amenities, if any, fronting Research Boulevard & Key West Avenue immediately adjacent to units seeking U&O
10*	Prior to release of 310th Residential Use & Occupancy	Applicant to complete all remaining public & private amenities on the property along Omega and Key West Avenue, west of Siesta Key Way
		Applicant to complete as built for landscaping and cool roof for Building A
Overall Project Phasing Schedule		
	Timing Mechanism	Task
11	Prior to release of 681st Residential Use & Occupancy	Applicant to complete Tree Canopy as-built for entire project, showing locations and species with 15 year coverage
<p><i>*Note: Prior to the release of U&O’s for units adjacent to a sidewalk, Applicant to complete sidewalk and site lighting installation immediately adjacent to these units.</i></p>		

Image 2 – Revised Phasing Schedule

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report.

FINDINGS AND RECOMMENDATION

The proposed Limited Site Plan Amendment does not alter the findings and design character of the development in relation to the original approval, and the Site Plan remains compatible with existing and proposed development adjacent to the site. The proposed modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Therefore, Staff recommends approval of Site Plan Amendment No. 82012013A, with the modified conditions listed at the beginning of this report. All other findings and conditions of Site Plan No. 820120130 and subsequent amendments remain in full force and effect.

ATTACHMENTS

- A. Applicant's Justification Statement
- B. Phasing Schedule for Development Program

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

October 14, 2014

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Senior Planner
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Silver Spring, MD 20910-3760

Re: Mallory Square – Site Plan Amendment No. 82012013A

Dear Mr. Afzal and Mr. Butler:

This firm represents Woodfield Investments, the owner and developer of the Mallory Square multi-phase mixed-use (residential and retail) project approved pursuant to Site Plan No. 820120130 (the “Site Plan”). The Site Plan was approved with conditions by Planning Board Resolution dated February 4, 2013 (the “Resolution”), attached as Attachment “1”.

We are submitting this application on Woodfield’s behalf for a Limited Site Plan Amendment to amend Conditions 11(b) and (c) of the Resolution to modify the triggers for providing amenities for the project to reflect the actual construction sequence for the project. A conforming modification to Condition 3 is also requested by this Amendment. The requested revisions to the approval conditions are blacklined on Attachment “2”.

Justification

Condition 11 of the Resolution provides that Woodfield must construct the project in accordance with a Development Program approved by Staff as part of the Certified Site Plan. *See* Resolution, p. 5 Attachment “1”. Conditions 11(b) and (c) specify the required timing for the provision of project amenities related to the release of *any* use and occupancy permits (“Permits”) for the project. (Emphasis added.) Condition 11 did not clearly state that the amenities, and corresponding release of Permits, would be phased to match the construction sequence of the two buildings in the project. Each of two approved buildings will be constructed

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Mr. Khalid Afzal
Mr. Patrick Butler
October 14, 2014
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in sections, and each section will be leased once complete, which is the standard construction and leasing sequence for multi-family buildings. Accordingly, all of the required amenities referenced in Conditions 11(b) and (c) cannot be constructed prior to the release of the initial Permits. To address this, Woodfield is seeking to amend the triggers for the release of Permits to correspond to the actual construction sequencing for the project. The phasing is detailed in the Development Program matrix shown on the revised Site Plan Sheet submitted with the application, attached as Attachment "3". The requested revisions to Conditions 11(b) and (c) reference the phasing set forth in the revised Development Program, with no specific reference to the triggers for the Permits.¹ The specific triggers are set forth in the Development Program. The phasing schedule in the Development Program has been carefully developed to ensure that the project's amenities will be constructed as associated units are being leased and occupied. The revised Development Program will also facilitate monitoring of the phasing schedule by agency inspection staff. For these reasons, we request approval of the Amendment.

Please let us know if you need any additional information. Thank you for your continued assistance in this matter.

Very truly yours,

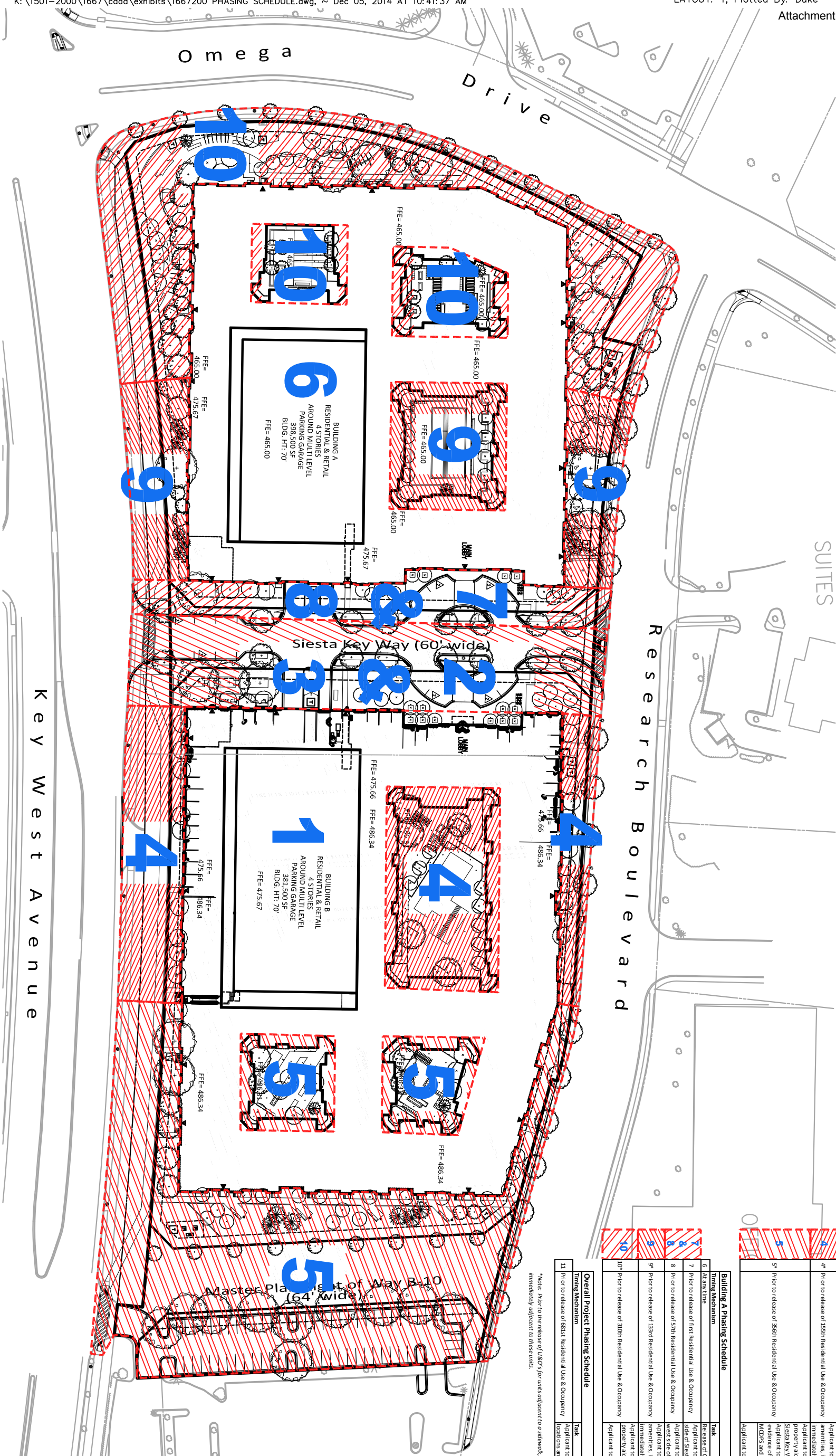
LINOWES AND BLOCHER LLP

A handwritten signature in black ink, appearing to read "Scott C. Wallace".

Scott C. Wallace

cc: Ms. Margaret Ford
Mr. Ian Duke

¹ The conforming change to Condition 3 is necessary because the criteria for certain public benefits like the "cool roof" cannot be satisfied until occupancy of some or all of the units pursuant to the Permits.



Building B Phasing Schedule	
Tracing Mechanism	Task
1 At any time	Release of Garage Use & Occupancy
2	Prior to release of first Residential Use & Occupancy
3	Prior to release of 67th Residential Use & Occupancy
4*	Prior to release of 155th Residential Use & Occupancy
5*	Prior to release of 356th Residential Use & Occupancy
	Applicant to complete as built for landscaping and roof for Building B

Building A Phasing Schedule	
Tracing Mechanism	Task
6 At any time	Release of Garage Use & Occupancy
7	Prior to release of first Residential Use & Occupancy
8	Prior to release of 57th Residential Use & Occupancy
9*	Prior to release of 133rd Residential Use & Occupancy
10*	Prior to release of 20th Residential Use & Occupancy
	Applicant to complete as built for landscaping and roof for Building A

Overall Project Phasing Schedule	
Tracing Mechanism	Task
11	Prior to release of 681st Residential Use & Occupancy
	Applicant to complete Tree Canopy as built for entire project, showing location and species with 15 year coverage

*Note: Prior to the release of U&O's for units adjacent to a sidewalk, Applicant to complete sidewalk and lighting installation immediately adjacent to these units.

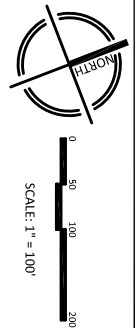
PROJECT PHASING SCHEDULE

MALLORY SQUARE

DECEMBER, 2014

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