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Mr. Joshua Sloan
Planner
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Hanover Shady Grove - Preliminary Plan Amendment (the “Preliminary Plan”)
Application No. 11986186A and Request for Waiver of Subdivision Regulations (the
“Waiver Request”)

Dear Mr. Sloan:

This firm represents Hanover R.S. Limited Partnership (“Hanover”), the applicant for the above referenced Preliminary Plan for a multifamily residential development in the Commercial Residential (“CR”) Zone located in the Great Seneca Science Corridor Master Plan area (the “Master Plan”). The Preliminary Plan, and a concurrently filed Site Plan, proposes two multifamily residential buildings containing a total of approximately 367 units and associated amenities to be constructed on two record lots identified as Parcel “R-R” and Parcel “T-T” (the “Project”).¹

The record lots are the last pad sites in the Shady Grove Executive Center office park, which is currently improved with six (6) office buildings, a hotel, and structured and surface parking facilities on several record lots (the “Executive Center”). The residential building proposed on Parcel “T-T”, which is 5 stories high and will contain approximately 192 units, will be connected by a two-deck pedestrian bridge to the second and third levels of an existing parking garage

¹ Sketch Plan No. 320120020 was approved for the Project on January 13, 2012.

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located on a record parcel in the Executive Center identified as Parcel "S-S". Parcel "S-S" is owned by PS Business Parks L.P. another property owner in the Executive Center. The pedestrian bridge will cross the lot line between Parcel "T-T" and Parcel "S-S". Therefore, to allow for the construction of the pedestrian bridge, Hanover requests a waiver from the requirements of Section 50-20(b) of the Subdivision Regulations, which restricts the issuance of a building permit for construction of a structure that is located on more than one lot or crosses a lot line. As discussed in detail below, the requested waiver to allow for the construction of the pedestrian bridge will promote the goals of the Master Plan and CR Zone for efficient design and will not be contrary to any of the applicable provisions of the Subdivision Regulations.²

By way of background, the parking garage on Parcel "S-S" was built in the mid-1980's at the time of construction of an approximately 100,000 SF office building on Parcel "S-S". The parking garage contains approximately spaces and was built to provide parking for the office building on Parcel "S-S" and an office building that was approved for Parcel "T-T". Hanover has an easement right to use up to 362 spaces across all three levels of the parking garage for tenant parking for the residential building now proposed on Parcel "T-T". In this regard, while there are adequate parking spaces in the garage to meet peak parking demand for both the office and residential tenants, the pedestrian bridge is essential for the efficient shared use of the garage. In

² This waiver is requested pursuant to Section 50-38(a)(1) of the Subdivision Regulations, which provides that:

The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

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particular, office tenants are expected to primarily park on the ground level of the parking garage, which is in close proximity to the ground level entrances to the office building on Parcel "S-S". Further, by connecting the residential building to the second and third levels of the parking garage by the pedestrian bridge, the residential tenants will primarily park on the second and third levels of the parking garage as a matter of convenience. In this way, the pedestrian bridge will promote the natural segregation of office and residential tenants and thereby allow the efficient operation and shared use of the garage.

Designing the Project to utilize an existing parking garage for the residential use on Parcel "T-T", as facilitated by the pedestrian bridge, furthers the primary recommendation of the Master Plan for the infill development of Parcel "T-T" and Parcel "R-R" with residential uses. Further, the shared use of the parking garage promotes an important purpose of the CR Zone to "target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses." In summary, shared use of the parking garage by employees and residential tenants will help integrate the residential use with the existing office uses at the Executive Center in furtherance of the goals and recommendations of the Master Plan and the CR Zone.

Moreover, the grant of the waiver to allow construction of the pedestrian bridge will not be adverse to the public interest. The pedestrian bridge will be built at a height of approximately 14 feet above the ground, which is more than adequate to allow safe vehicular and pedestrian circulation under the pedestrian bridge. Further, Hanover will provide all required maintenance

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of the pedestrian bridge and will enter into appropriate easements and agreements with the owner of Parcel "S-S" to ensure perpetual access rights to the parking garage for tenants of both property owners. Accordingly, the grant of the waiver to allow for the pedestrian bridge to cross a lot line will not frustrate the purposes of Section 50-20(b).

In summary, we believe that the unique circumstances and characteristics of the Project detailed above demonstrate that prohibiting the pedestrian bridge from being developed would create practical difficulty for Hanover and would not advance the applicable objectives of the Master Plan, the Subdivision Regulations or the CR Zone. Should you need any additional information, please do not hesitate to contact us. Thank you for your consideration of this request.

Very truly yours,

LINOWES AND BLOCHER LLP

Scott C. Wallace

cc: Mr. Adam Harbin
Ms. Chanda Beaufort
Mr. Steve Gang

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