



WELLS + ASSOCIATES

April 30, 2013

Mr. Ed Axler,  
Transportation Planning Division  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Gables at White Flint Traffic Statement for LATR and TPAR Exemption -**DRAFT**

Dear Mr. Axler:

This letter serves as a traffic statement for the proposed Gables development at White Flint. The development program includes 455 residential units and 30,900 SF of retail development. As part of the sketch plan submittal, I have attached Table I, which provides a summary of the projected trip generation based on this development program.

Based on the current LATR and PAMR guidelines, projects located within the White Flint Metro Station Policy Area are exempt from the LATR and TPAR requirements if the project/developers agree and provide substantial funds to new a development district or new impact tax district to finance master planned public improvements within in the Policy area. This application will be filed under this exemption.

Please use this letter as our formal LATR and TPAR Exemption submittal. If you require any additional information to facilitate you review and approval please call me at 301-448-1333 (Ext. # 1494) or email me at [amrandall@mjwells.com](mailto:amrandall@mjwells.com)

Sincerely,

Nancy Randall AICP, PTP  
Principal Associate

Table I  
 Gables at White Flint Trip Generation  
 Site Trip Generation<sup>1</sup>

	Amount	Units	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<u>Proposed Land Use</u>								
Apartments	455	DU	37	148	185	142	73	215
			<u>(19)</u>	<u>(74)</u>	<u>(93)</u>	<u>(71)</u>	<u>(36)</u>	<u>(107)</u>
Residential Trips - Sub-total			18	74	92	71	37	108
Retail	30,900	SF	50	46	95	199	183	382
			<u>(25)</u>	<u>(23)</u>	<u>(48)</u>	<u>(99)</u>	<u>(92)</u>	<u>(191)</u>
Retail Trips - Sub-total			25	23	47	100	91	191
<b>Net External Trips</b>			<b>43</b>	<b>97</b>	<b>139</b>	<b>170</b>	<b>128</b>	<b>299</b>

Note: 1. Trip Generation based on MNCPPC Rates/Equations

2. 50% reduction of peak hour trips required per growth policy's Alternate Review Procedure for Metro Station Policy Areas.

## MEMORANDUM OF UNDERSTANDING

### AUTHORIZATION TO SUBMIT DEVELOPMENT APPLICATIONS

THIS MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION AGREEMENT TO SUBMIT DEVELOPMENT APPLICATIONS, ("Authorization Agreement") made this 22<sup>nd</sup> day of March, 2013, by and between MONTGOMERY COUNTY, MARYLAND ("County") and LG GEORGETOWN LLC ("Gables") and/or an entity affiliated with Gables.

#### RECITALS:

A. The County is the owner of certain parcels of real property located in Rockville, Maryland and consisting of: (1) approximately 32,949 square feet from the Executive Boulevard right-of-way located between Gables land and the County Conference Center land (identified in tan as land to be included in the Gables Site Plan as shown in the attached Exhibit A); and (2) approximately 22,194 square feet from the County Conference Center land (identified in tan as land to be included in the Gables Site Plan as shown in the attached Exhibit B); (collectively, the "County Property"). The County Property is contiguous to certain properties owned by Gables (collectively, the "Gables Property") and with respect to which Gables is seeking approvals for redevelopment as a mixed-use development consisting of multi-family residential and retail uses, public improvements and other amenities (collectively, the "Project").

B. Gables desires to acquire title to the County Property and to incorporate the same into the Project. Gables and the County intend to commence non-binding discussions with respect to such acquisition, however nothing in this Authorization Agreement shall be deemed to bind the County to sell the County Property to Gables or Gables to buy the County Property from the County and any such agreement shall be the subject of a separate written agreement between the County and Gables.

C. On March 23, 2010, the County Council for Montgomery County, Maryland, approved the White Flint Sector Plan ("Sector Plan") for transforming an auto-oriented suburban development pattern into an urban, transit-oriented mixed-use center where people walk to work, shops and transit. The Sector Plan covers 430 acres bounded by Montrose Parkway, Old Georgetown Road, and the White Flint Mall and includes the County Property and Gables Property. The Gables Property is located in the Metro West District within the southeast quadrant of the intersection of Old Georgetown Road and Hoya Street. The Sector Plan recommends mixed-use zoning for the Gables Property and reconfiguring the County Property to permit joint development of both the Gables Property and the County Property.

D. In order to facilitate the commencement of the development approval processes for the Project in a timely manner, Gables has asked the County to enter into this Authorization Agreement so that federal, County and local agencies, as applicable, can review and act on the proposed plans and applications for development of the Project consistent with the Sector Plan. The County desires to enter into this Authorization Agreement to enable Gables to pursue the development approval processes for the Project subject to and in accordance with the terms hereof.

E. This Authorization Agreement is to be strictly limited to permitting Gables to prepare, file and process with the applicable governmental authorities of the development applications for a Sketch Plan, Preliminary Plan of Subdivision, Site Plan(s) and NRI/FSD for the Project (as such terms are defined in the Zoning Ordinance of Montgomery County and are collectively referred to herein along with any amendment, modification or supplement thereto and any other related documents, plans or approvals as the "Development Applications"). This Authorization Agreement may not be construed as County approval, in any manner or form, of the proposed development of the Project, nor shall the inclusion of the County Property and approvals of said Development Applications bind the County to any limitation, requirements, or liability of any kind, applicable to the County Property. Further, this authorization shall not constitute any consent, agreement, commitment or obligation of Gables or the County with respect to, present or future conveyances, agreements, licenses, permits, approvals or any other public actions as more fully stated below nor shall it confer on Gables any property rights or interests in the County Property. The County shall be provided with two (2) copies of all Development Applications and Gables shall keep the County fully informed at all times of its intent to file and process any and all Development Applications authorized herein.

NOW, THEREFORE, in consideration of the Recitals hereto which are incorporated herein by reference, the mutual promises herein made, and of other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, it is hereby agreed, by and between the parties, as follows:

1. For the limited purpose of seeking approvals for the Development Applications, the County hereby permits and consents to Gables acting as County's agent with respect to the Development Applications, under this authorization and subject to the limitations set forth herein.

2. Gables shall submit to the County, at its sole cost, all plans, narratives, data and all other documentation which Gables will submit in connection with the Development Applications.

3. With respect to the proposed Project, including plans, narratives, dates and all other documentation which Gables will use in connection with the Development Applications, Gables shall, unless waived in writing by the County, submit to the County, at the times set forth below, complete copies of all materials to be submitted to any public agencies:

- a. Not less than five (5) business days before the submission of any initial filing of any Development Application or Development Application to amend a previously-approved Application; and
- b. Not less than three (3) business days before submission, with respect to revisions to and modification of Development Applications then pending.

4. As limitations of this Authorization Agreement, it is understood and agreed by and between the parties that:

- a. This Authorization Agreement does not constitute, nor may it be construed as approval by the applicable agencies of the County of the Development Applications submitted by Gables.
- b. This Authorization Agreement does not constitute, nor may it be construed as a joint venture agreement between County and Gables.
- c. Any approvals issued with respect to the Development Applications pursuant to this Authorization Agreement shall not be binding on the County nor impose any limitation, requirements, or liability of any kind, applicable to the County Property.
- d. This Authorization Agreement shall not affect, in any manner whatsoever, any public action, review or approval process involving the County or for which the County or a component of the County (including an official thereof) is responsible.
- e. This Authorization Agreement is not a decision or predetermination regarding the County disposition of the County Property nor shall it constitute a consent, agreement, commitment or obligation of the County with respect to, present or future conveyances, agreements, licenses, permits, approvals or any other public actions. It is acknowledged by Gables that any disposition of property by the County is subject to other processes, procedures and approvals, separate from this Authorization Agreement, and that at this time no authorization or commitment of any kind exists for the disposition of said properties.
- f. This Authorization Agreement is not, and shall not, constitute "use" of the County Property by Gables and shall not confer any real property right or interest in Gables. Any and all uses to which the County Property may be put presently are not affected by this Authorization Agreement. The County may terminate this Authorization Agreement at any time at its sole discretion and without liability to Gables.

5. Gables agrees (i) not to make any representations regarding the County Property except as such shall be conditioned by the terms of this Authorization Agreement, and not to

encumber or offer to encumber the County Property or in any way to cause the County Property to become encumbered without prior written consent of the County, (ii) to indemnify and hold harmless the County as to all attorney's fees, costs and claims against it with respect to or arising from this Agency Authorization and the Development Applications to be filed with the Planning Board and any actions or failures to act associated therewith. Further, Gables acknowledges and agrees that it is the County's agent pursuant to this Authorization Agreement and Assignment for the sole purpose of the preparation, filing and processing of the Development Applications.

6. This Authorization Agreement is not, does not and shall not operate to constrain, restrict, prevent, or impair in any way the County's present use or control of the County Property during the term of the Authorization Agreement. Further, it is expressly acknowledged and agreed to by the parties that the existing Right-of-Way for Executive Boulevard shall not be disturbed or encroached upon without the express, written consent of the County.

7. Any notices, consents or other communications required or permitted to be given pursuant to this Authorization Agreement must be in writing and shall be deemed to have been delivered (a) if delivered in person, or via courier when received at the address of the person to whom notice is given, (b) if sent by a nationally recognized overnight delivery service (e.g., Federal Express, UPS, Airborne Courier), on the first (1st) business day after receipt by such delivery service for overnight delivery, or (c) if sent by certified United States Mail, on the earlier of the date actually received or two (2) business days after deposited in a receptacle provided by the United States Post Office, addressed to the intended party at the following respective addresses:

If to County:                    Montgomery County, Maryland  
Executive Office Building  
101 Monroe Street, 2<sup>nd</sup> Floor  
Rockville, Maryland 20850  
Attention: White Flint Implementation Coordinator

With a copy to:                Office of the County Attorney  
Executive Office Building  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, Maryland 20850  
Attn: Eric C. Willis, Associate County Attorney

If to Gables:                    LG Georgetown LLC  
8280 Greensboro Drive, Suite 605  
McLean, Virginia 22102  
Attention: Jorgen Punda

With a copy to: Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814  
Attention: Stephen Z. Kaufman, Esq.

or to such other substitute address and/or addressee as any party hereto shall designate by written notice to the other party in accordance with the terms of this paragraph; provided, however, that no such notice of change of address and/or addressee shall be effective unless and until actually received by the party to whom such notice is sent.

8. The recitals are incorporated into this Authorization Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Authorization Agreement to be executed as of the above written date.

WITNESS:

MONTGOMERY COUNTY, MARYLAND

Julie L White

By: Thomas Street [SEAL]  
Printed Name: Thomas Street  
Title: Assistant Chief Admin. Officer

APPROVED AS TO FORM AND  
LEGALITY:

OFFICE OF THE COUNTY ATTORNEY

By: Eric Willis [SEAL]  
Printed Name: Eric Willis

WITNESS:

LG GEORGETOWN LLC

Chad J. K.

By: Jorgen Punda  
Printed Name: Jorgen Punda  
Title: Regional M.P.







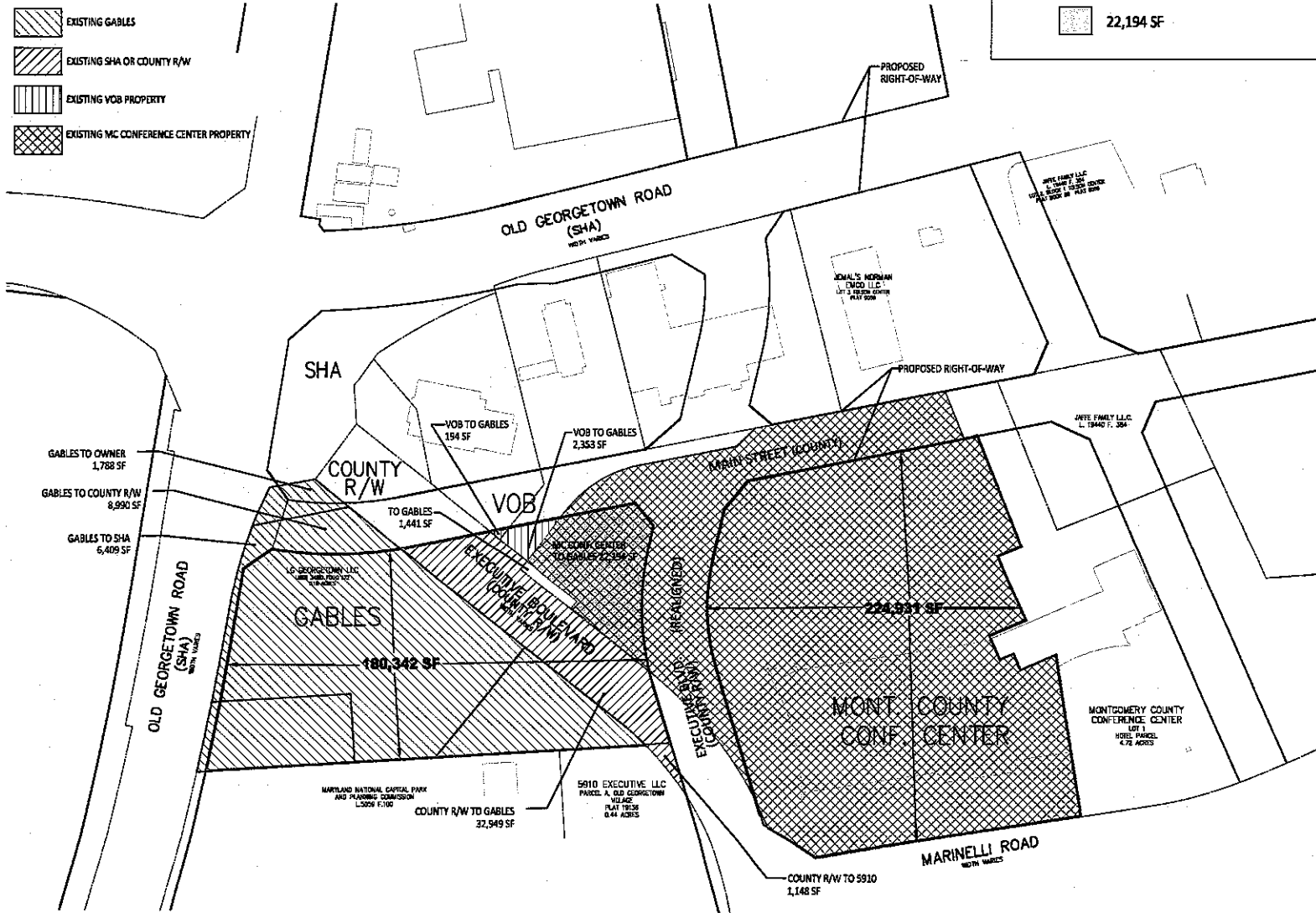


**EXHIBIT B - COUNTY  
DRAFT - 2/14/2013**

**Gables White Flint  
Montgomery County Conference Center  
Land to be Included in Gables Site Plan**

22,194 SF

-  EXISTING GABLES
-  EXISTING SHA OR COUNTY R/W
-  EXISTING VOB PROPERTY
-  EXISTING MC CONFERENCE CENTER PROPERTY



**VIVA**

REGISTERED PROFESSIONAL ARCHITECTS & ENGINEERS BY STATE

2013: CONVENT PARKWAY, 1100 EAST WISCONSIN AVE. SUITE 300  
MONTGOMERY, MD 20814

---

PROPOSED BY THE INTERSECTION OF  
**OLD GEORGETOWN ROAD &  
EXECUTIVE BOULEVARD**

---

**RELOCATED  
EXECUTIVE BOULEVARD**

---

**VIAA REVISIONS**

NO.	DATE	DESCRIPTION
1	12/11/12	ISSUE FOR PERMITS
2	1/16/13	REV. FOR NEW R/W
3	2/14/13	REV. FOR NEW R/W
4	2/14/13	REV. FOR NEW R/W

DATE: 2/14/2013  
SCALE: 1"=50'  
PROJECT FILE NO.: 110002P  
SHEET NO.: 1 OF 1

**MC Department of Permitting Services**

255 Rockville Pike, 2nd Floor  
 Rockville, MD 20850-4166  
 (240) 777-6300 Fax (240)777-6262

**Receipt****Print Date:** 5/24/2013**Submitted By**

Page 1

**Payment #** 996875    **Payment Date:** 5/24/2013 3:27PM    **Template Type:** Project Application    **A/P #** 253613  
**Customer** VIKA, INC.  
**Address** 20251 CENTURY BLVD., SUITE 400  
 Germantown, MD 20874    **Type of Payment** Check  
 Check # 2202    \$2,684.00

<b>Fees</b>	<b>Item</b>	<b>Dest Budget #</b>	<b>Amount</b>
	AUTOMATION FEE	5407510044803	\$ 244.00
	STORMWATER CONCEPT	5407520041554	\$ 2,440.00
		<b>Total Amount</b>	\$ 2,684.00
		<b>Amount Confirmed</b>	\$ 2,684.00
		<b>Total Amount Due</b>	\$ 0.00



# Transmittal

To: MC Department of Permitting Services	Date: May 24, 2013
255 Rockville Pike, 2nd Floor	Project No: VM1614B
Rockville, MD 20850	Project: Gables – White Flint
Water Resource Division	Reference: Initial Submission – Concept Stormwater Management
Attn: David Kuykendall	Phone # 240-777-6343

- We transmit:                      the following:                      for:
- as per your request
  - by mail
  - by messenger
  - overnight
  - hand delivery
  - by pick up
  - Easements
  - short form
  - change order
  - proposal
  - letter
  - disk
  - invoice
  - report
  - computations
  - descriptions
  - disclaimer
  - your approval
  - your review and comment
  - your file/use
  - revision and resubmission
  - please acknowledge
  - as requested by
  - as approved by
  - as submitted for approval
  - return enclosures to us

Copies	Date	Number	Description
1			Concept SWM Application
1			Concept Fee Check \$2,684.00 (check # 2202)
1			Concept SWM Narrative, Comps and Plans

Comments:

Dave,

**If enclosures are not as noted, kindly notify us at once.**

Signed: Jason Evans, P.E.





# Washington Suburban Sanitary Commission

## PARK AND PLANNING-PAYMENT RECEIPT

PP NUMBER: <i>No Preliminary Plan # at this time</i>	SUBMITTAL: 1
ASSOCIATED PP:	SUBMISSION: <i>Gables West Flint</i>
CUSTOMER NAME: Vika Maryland, LLC LG Georgetown, LLC	CUSTOMER ADDRESS: 20th Century Building 400 Georgetown, MD 20874
AMOUNT PAID: \$1,100.00	METHOD OF PAYMENT: (CK NO. IF APPLICABLE) Check #22
MEETING DATE: Pending	DATE RECEIVED: May 24, 2013

DSC AGENT: Stephanie Sullivan  
DSC Agent

TELEPHONE: 301-206-8650



FEE SUBMITTAL FORM - GOVERNMENT PLAN REVIEW

PROJECT/SUBDIVISION NAME: Gables - White FLWT

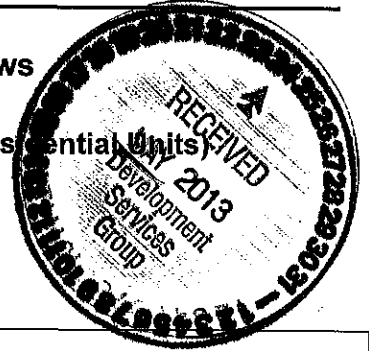
PROPERTY ID (vicinity map or address): Corner of Old Georgetown Rd and Executive Blvd

1<sup>st</sup> Submittal

Re-Submittal Reviews

Major Plan Review: \$1,100 (Development is Commercial or more than 10 Residential Units)

Minor Plan Review: \$550 (Development is 10 Residential Units or less)



Gray shading indicates information is required !

M-NCPPC Assigned Plan Number:	Associated M-NCPPC Plan Number:
Amount Paid: \$ <u>1,100</u>	Payment Method: Ck. #
Applicant/Owner's Name and Address: <u>Gables Residential - LG Georgetown LLC</u> <u>8280 Greensboro Dr. - suite 605</u> <u>McLean VA 22102</u>	Engineering Company's Name and Address: <u>Vika</u> <u>20251 Century Blvd</u>
Applicant/Owner's Contact Information: Phone: <u>703-918-2500</u> E-Mail: <u>JPunda@gables.com</u>	Engineering Company's Contact Information: Phone: <u>301-916-4100</u> E-Mail: <u>evans@Vika.com</u>
Meeting Date (if known):	Date Payment Received:

DSC AGENT: Stephanie Sullivan

TELEPHONE: 301-206-8650



215NW06  
ADC Map 5285  
Grid A3

## WSSC PRELIMINARY PLAN REVIEW REQUIREMENTS CHECKLIST

ITEM	YES	N/A
<b>GENERAL</b>	<b>X</b>	
Major Review Fee (\$1,100.00) - Commercial or greater than 10 residential properties.		
Minor Review Fee (\$ 550.00) - Ten residential units or less.		
Provided WSSC map number and ADC Map Book grid for connection points.	<b>X</b>	
Location and size of existing WSSC lines, connections and rights of way shown?	<b>X</b>	
Proposed abandonment or relocation of WSSC lines?	<b>X</b>	
<b>WSSC WATER SERVICE</b>		
Requesting WSSC water connection? <i>(If yes, please show following items on plan, if applicable, and indicate status (yes, or N/A) on this checklist)</i>	<b>X</b>	
• Proposed water service connections and on-site lines shown?	<b>X</b>	
• Are proposed water lines shown connecting to an existing water line?		<b>X</b>
• Proposed water line and connection rights-of-way easement delineated on plan?		<b>X</b>
• The highest plumbing fixture elevation proposed for the highest structure on site (approximate.)		High elevation: 459.50
• The lowest plumbing fixture elevation proposed for the lowest structure on site (approximate.)		Low elevation: 358.00
<b>WSSC SEWER SERVICE</b>		
Requesting WSSC sewer connection? <i>(If yes, please show following items on plan, if applicable, and indicate status (yes or N/A) on this checklist)</i>	<b>X</b>	
• Proposed sewer service connections and on-site lines shown?	<b>X</b>	
• Are proposed sewer lines shown connecting to an existing sewer line?		<b>X</b>
• Proposed sewer line and connection rights-of-way easement delineated on plan?		<b>X</b>
• Direction of flow shown?	<b>X</b>	
• Proposed sewer is a gravity line that is between 8 and 18 feet deep?	<b>X</b>	
• Lowest basement requiring sewer.		Lowest elevation: 358.00

### Important Notes:

Extensions of water and sewer lines are required to follow the WSSC's System Extension Process (SEP) for developer-built lines. The SEP requires the preparation of plans that meet WSSC water and sewer design guidelines which dictate right-of-way widths, the use of NAD 83-91 & NGVD 1929 for survey information, etc...

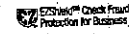
**WSSC preliminary plan comments increase the probability that the property can be served as approved. WSSC review comments will identify service restrictions, rights-of-way issues and conditions that might otherwise go unaddressed early in the process. Omitting checklist requirements may affect the quality of WSSC's comments and result in the need to re-subdivide or otherwise delay service and increase costs.**

2201

**VIKA MARYLAND, LLC**  
20251 CENTURY BLVD STE 400  
GERMANTOWN, MARYLAND 20874  
(301) 916-4100



ACH RT 051000104  
65-270-550



CHECK DATE  
May 16, 2013



PAY One thousand, one hundred and 00/100 Dollars

\$1,100.00

TO WSSC

AMOUNT

*Mak H. Malak*  
AUTHORIZED SIGNATURE

⑈00002201⑈ ⑆055002707⑆ ⑆000098035339⑈

2201

**VIKA MARYLAND, LLC**

VM1614B.015 - Information Sheet Review for Sketch Plan



# GABLES WHITE FLINT

## SKETCH PLAN

MNCPPC NO: 320130010



7.17.2013