

**JUSTIFICATION STATEMENT
FOR PRELIMINARY PLAN NO. 120120180**

Mallory Square

I. INTRODUCTION

Woodfield/Meridian Shady Grove, LLC (the "Applicant") is the contract purchaser of the subject property located in the Great Seneca Science Corridor Planning Area. The subject property is bounded by Research Boulevard to the north, Omega Drive to the west, and Key West Avenue to the south (the "Property"). Commercial office buildings are located adjacent to the eastern property line. The Property is zoned CR-1.5, C-1.5, R-1.5 and H-100, and has a gross tract area of approximately 12.81 acres (including previously dedicated land of approximately .75 acres). In accordance with the applicable provisions of Chapter 50 of the Montgomery County Code, 2004, as amended (the "Subdivision Regulations"), the Applicant submits this Preliminary Plan Application (the "Application") for approval of a total of 837,147 square feet of multi-family residential development with ancillary retail uses, associated amenities, and structured parking on two record lots and an outlet. Pursuant to Section 59-C-15.636 of the Montgomery County Zoning Ordinance, the Application also requests a waiver from the maximum parking requirements of the CR Zone to allow approximately 42 additional visitor parking spaces on-site to be provided within the structured parking garages. The Applicant respectfully requests that the Planning Board grant approval of the Application described in more detail below.

II. BACKGROUND AND PRIOR APPROVALS

Sketch Plan No. 320120010 was approved for Mallory Square by Resolution dated February 2, 2012 (the "Sketch Plan"). This approval provided for up to 837,147 square feet of

residential development with up to 10% of the gross floor area for ancillary retail uses as permitted under the CR Zone and in accordance with the recommendations of the Great Seneca Science Corridor Master Plan approved May 2010 (the "Master Plan").

III. EXISTING CONDITIONS AND SURROUNDING AREA

The Property currently contains the approximately 115,800 square foot Bureau of National Affairs office building and associated surface parking and stormwater management facilities. According to the Maryland State Department of Taxation records, the existing office building was built in 1974.

The surrounding area can be described as follows: The Shady Grove Executive Center is located to the north, the Decoverly Hall office and residential development is to the west and the Key West Corporate Center is to the south. Further south, but still in close proximity, are the Shady Grove Adventist Hospital, Potomac Ridge Behavioral Health System and Johns Hopkins University Montgomery County campus. Although the majority of existing uses in the immediate vicinity of the Property are office parks, Crown Farm, the Falls Grove Shopping Center and other existing and proposed retail and residential developments are only 1-2 miles away.

IV. PROPOSED PRELIMINARY PLAN

The Property is located in the Master Plan's "Life Science Center ("LSC") North" District, which is directly across Key West Avenue from the "LSC Central" District; the Master Plan's "Medical and Biotech" center that is recommended for "an expanded first-class medical center" (Master Plan, p. 28).¹ The primary recommendation of the Master Plan is to "[t]ransform

¹A portion of the Project will not be subject to the Master Plan's staging requirements because the existing commercial density will be converted to residential density based on trip generation in accordance with the Master Plan.

the LSC into a dynamic live/work community while ensuring grown opportunities for research, medical, and bioscience interests.” (Master Plan, p. 7). Furthermore, the Master Plan recommends the development of new housing stock in the Master Plan area to support the new employment centers and to accommodate the “[n]ew residents—many from highly skilled backgrounds—[who] will augment an extraordinary talent pool...” (Master Plan, p. 10).

The Master Plan makes specific recommendations for the Property. Pursuant to the Master Plan, the Property was rezoned by sectional map amendment to CR Zone-1.5, C-1.5, R-1.5, H-100. Accordingly, maximum commercial or residential densities of 1.5 FAR and maximum heights of 100-feet are permitted on the Property. Furthermore, the Master Plan “encourages” “residential use” for the Property (Master Plan, p. 38). In addition, the Master Plan recommends a Corridor Cities Transitway (“CCT”) station within a ½ mile from the Property on the east side of the DANAC property. (Master Plan, p. 38)

In conformance with the zoning and Master Plan recommendations, the Preliminary Plan proposes the redevelopment of the Property with multi-family residential uses necessary to support the existing and proposed health care, biotechnology and office employment centers. Ancillary retail uses are also proposed for the convenience of residents of the Project, as well as employees and visitors to nearby businesses and others. The Preliminary Plan proposes two lots that will be developed with an approximate total maximum FAR of 1.50, height of 70 feet and gross floor area of approximately 837,147 square feet. The Project will provide at least 20% public use space. Part of this publicly-accessible area will be programmed and landscaped pedestrian through-block connections along the locations identified as “Roadway B-9” and “Roadway B-10” in the Master Plan. The B-9 road will be built by the Applicant as part of the Project. A portion of the right-of-way for B-10 will be dedicated by the Applicant, but B-10 is

not necessary for access to the Project or for Adequate Public Facilities purposes, and therefore the Applicant is not responsible for constructing B-10. These pedestrian linkages, as well as the proposed sidewalks and streetscape along Key West Highway, Omega Drive and part of Research Boulevard, will enhance the existing and proposed pedestrian circulation system and connect the Property to the LSC "Loop" recreational trail proposed along Omega Drive and to the DANAC CCT site less than ½ mile away. The Project also includes structured parking and dedicated, residential amenity space.

At completion, the Project will redevelop the suburban office structure and associated surface parking and stormwater management facility into a vibrant, multi-family residential community within walking distance, or a short transit ride, from the LSC's busiest employment destinations. Public benefits of the Project, as approved by the Sketch Plan, include 13.5% MPDUs, transit proximity to the CCT station, Building Lot Terminations ("BLTs"), structured parking, cool roofs, enhanced tree canopy, and public open space. Attractive and well-planned public use spaces and recommended streetscaping will coordinate and harmonize and connect the development with the surrounding Master Plan area and enhance pedestrian and bicycle mobility.

Furthermore, the Project is consistent with the goals and objectives of the applicable CR Zone. As shown by the Data Tabulations found on the Preliminary Plan Cover Sheet, the proposed development satisfies all the applicable CR Zone requirements.

V. FINDINGS REQUIRED FOR PRELIMINARY PLAN APPROVAL

A. The Preliminary Plan substantially conforms to the Great Seneca Science Corridor Master Plan.

As noted above and explained more fully below, the Preliminary Plan furthers the objectives of the Master Plan as follows:

- The Plan encourages mixed-use infill for the ... Bureau of National Affairs sites and recommends CR 1.5, C 1.5, R 1.5, H 100. Residential uses are encouraged.... 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. (Resolution 16-1325- Page 19, Master Plan, p. 38);

The Preliminary Plan achieves this objective by proposing approximately 690 residential units, including 13.5% MPDUs, that will be a maximum of approximately 1.50 FAR in density and 70 feet in height. The Project proposes public benefits recommended in the Master Plan including both Building Lot Terminations, enhanced tree canopy, a cool roof and proximity to transit. The Project includes sidewalk improvements throughout the development to encourage pedestrian connections such as the LSC Loop proposed directly across Omega Drive from the Property to the CCT station at the DANAC property.

- The current CCT alignment includes a station on the north side of the DANAC property. The DANAC station should be relocated to the east side of the property as part of the CCT alignment through the LSC. (Master Plan, p. 38)

The Preliminary Plan proposes an active, high-quality, multi-family residential development within a ½ mile of this proposed CCT Station.

- Proposed new roads- B-9 (Road H) and B-10 (Road I). Road B-9 is proposed for a 60-foot width (Design standard, 2005.01), and Road B-10 is proposed for a 75-foot width (Design standard, 2005.02) (Master Plan, p. 73)

As shown in the Preliminary Plan and discussed above, the Project provides for the dedication of land for the Master Planned B-9 and B-10 roads, and will design and program the edges of these areas for active pedestrian use. The B-9 road will be constructed by the Applicant

and the B-10 road will be constructed by others if needed to accommodate future transportation needs.

The Preliminary Plan furthers the more general objectives of the Master Plan as follows:

- Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests. (Master Plan, p. 7)

The Project complies with this requirement, providing approximately 690 high-quality dwelling units within walking and transit distance from new employment hubs in the LSC. The Project's introduction of much needed housing into the Master Plan area is necessary to redevelop the existing employment-dense environment into the envisioned dynamic live/work community.

- Concentrate density, building height, and civic green spaces at the CCT stations. (Master Plan, p. 7)

As noted above, the Project complies with this objective because it concentrates density and building height near the proposed DANAC CCT station by proposing to redevelop the Property into a lively, multi-family residential development with ancillary retail uses built to approximately 1.5 FAR and 70 -feet in height.

- 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. (Master Plan, p. 7)

The Preliminary Plan shows the construction of the B-9 road and provides for the dedication of land for the construction of the B-10 roads if needed. The Project also provides pedestrian and bicycle linkages to facilitate pedestrian circulation through the LSC districts and to the new CCT stations, thereby satisfying the objectives of the Master Plan by creating a more walkable community.

- 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. (Master Plan, p. 7)

The LSC Loop is located on the east side of Omega Drive across from the western side of the Property. This section of the LSC Loop furthers the Master Plan's vision of a programmed hiker/biker trail that will provide recreational opportunities for residents and employees living and working in the Master Plan area.

- Support the County's Agricultural Reserve with zoning that requires acquisition of Building Lot Termination (BLT) easements to achieve maximum densities. (Master Plan, p. 8)

As shown on the Preliminary Plan, the Project proposes to purchase approximately 0.44 BLTs to help achieve its maximum density under the CR Zone.

- This Plan focuses development around future transit stations in the LSC with bicycle and pedestrian systems that enhance access. The Corridor Cities Transitway (CCT) will enable people who work at the LSC to live in nearby communities connected by transit (Master Plan, p. 11).

As referenced above, the Preliminary Plan meets this objective, because this Project is located within a ½ mile of the proposed DANAC CCT station and provides enhanced pedestrian circulation around and through the Property. Accordingly, the Project will provide an opportunity for employees to live in close transit proximity to employment opportunities in the LSC.

- The Plan also recommends new housing in the LSC to create more opportunities to live near work. In addition to promoting a compact form of development, the Plan seeks to promote healthy, active living by fostering walking, creating new opportunities for recreation, and providing growth potential for important medical services. The result will be a sustainable form of development and a community where people want to live and work (Master Plan, p. 11).

The Project directly satisfies this principle because it proposes a significant concentration of high-quality, multi-family residential development, including 13.5% MPDUs, in the LSC. The Project also encourages recreation by including on-site residential amenities as well as enhanced pedestrian connections and approximately 20% of net lot once as public use space to entice residents and surrounding employees alike to participate in healthier, more active lifestyles.

- The local street network should be built to business district street standards with sidewalks on both sides. Business district streets are two lanes with parking on one side (60-foot right-of-way) or both sides (70- or 100-foot right-of-way) and should include curb extensions at crosswalks to further reduce pedestrian exposure to vehicular traffic.... (Master Plan, p. 42)

As discussed above, the Project also meets this standard because it proposes the construction of the B-9 road and dedication for B-10. As stated above, B-10 will be constructed by others if they are deemed necessary in the future.

B. Public facilities will be adequate to support and service the area of the proposed subdivision.

Public facilities including transportation, water and sewage facilities, police, and fire and health services are adequate to support the proposed development. A Traffic Study dated February 9, 2012, and prepared by The Traffic Group in accordance with the requirements of the Local Area Transportation Review Guidelines dated July 2011, was filed with the Preliminary Plan Application. The Traffic Study shows that within minor restriping and signal modifications at the Key West Avenue/Omega Drive and Shady Grove Road/Research Boulevard intersections, all of the intersections studied operate at adequate levels of service taking into consideration the traffic generated by the Project. In addition, the Traffic Study noted the Policy Area Mobility Review requires a 30% trip reduction for the Project, which will be satisfied by a combination of

transportation improvements and/or payment of a mitigation fee in accordance with applicable guidelines.

Other public facilities and services are available and will be adequate to serve the proposed residential and retail uses. Schools, health, police and fire rescue services are currently operating within the standards set by the Subdivision Staging Policy now in effect. Public schools serving the Application are currently operating within program capacity and, therefore, the Application is not subject to a School Facilities Payment based on the current school program capacity projections. The Property is currently served by public water and sewer service, which service will remain adequate to serve the proposed development. As part of the Application, the Applicant has submitted a draft *Transportation Management Agreement*, pursuant to Section 50-34(k) of the Subdivision Regulations.

C. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

The proposed lots will meet all the dimensional requirements for size, width, shape, and orientation in the CR Zone. In addition, the Application meets all the other standards and requirements of the CR Zone, pursuant to Section 59-C-15 of the Zoning Ordinance, as demonstrated in the Data Tabulations on the Cover Sheet of the Preliminary Plan.

D. The Project satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Project will satisfy the requirements of Chapter 22A as shown on the Preliminary Forest Conservation Plan included in the Application.

E. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.

The Stormwater Management (“SWM”) Concept Plan for the Property is included with this Application, as is the Montgomery County Department of Permitting Services letter

approving the Concept Plan with conditions. As demonstrated on the SWM Concept Plan, the proposed stormwater management facilities meet all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. Please note that the SWM Concept Plan is subject to minor modifications during final engineering review and approval.

F. § 50-34 (g) *Staging Schedule (Section 50-34(g) of the Subdivision Regulations)*

The Project will be constructed in two phases, although construction in each stage may overlap.

VI. CONCLUSION

Accordingly, the Applicant respectfully requests that the Planning Board grant approval of this requested Preliminary Plan for the reasons stated above.