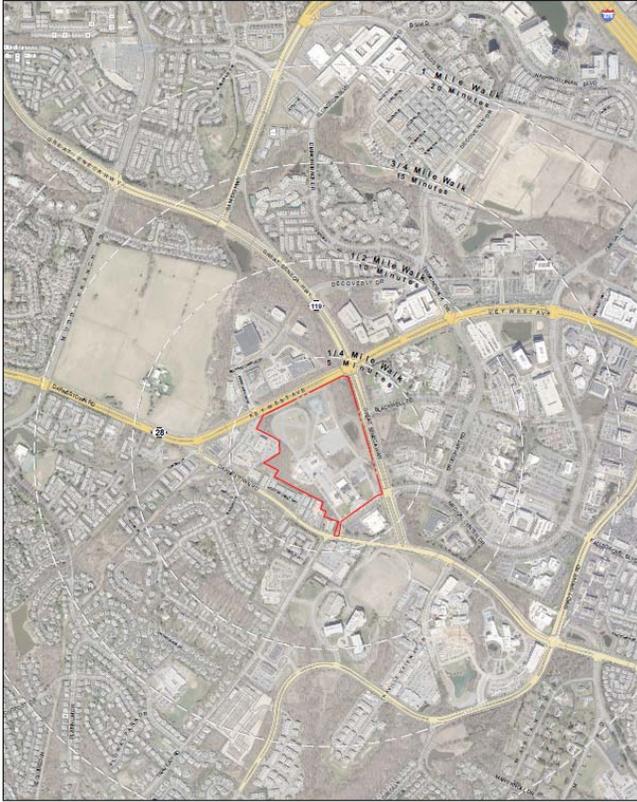


**Statement of Justification for Preliminary Plan
Public Safety Training Academy Property
January 2020**

I. INTRODUCTION

The Elms at PSTA, LLC, an Elm Street Community entity (“the Applicant”), seeks the approval of the Preliminary Plan (“Preliminary Plan” or “Application”) for the Public Safety Training Academy site (“PSTA”) in Rockville, Maryland. Located at 9710 Great Seneca Highway, the subject property contains approximately 45 acres and is located southwest of the intersection of Key West Avenue and Great Seneca Highway (“Property” or “Site”). Currently owned by Montgomery County, the Property is subject to a sales and purchase contract with the Applicant. For approximately 40 years, the Property was the home of Montgomery County’s PSTA, where police officers, fire fighters, and operators of large trucks received specialized training. In 2016, PSTA moved to a new location to accommodate the planned redevelopment of the Property that was envisioned by the 2010 Great Seneca Sciences Corridor Master Plan (“GSSC Master Plan”).



The 45-acre Site (outlined in red)

The Property is bordered on the north by Key West Avenue, on the east by Great Seneca Highway, and on the south by a 6.25-acre parcel owned by Montgomery County that currently serves as the location of the County’s Innovation Incubator and the National Center of Cybersecurity of Excellence. The Property is constrained by a large gas transmission main, located between Key West Avenue and the Property. Several uses are located immediately adjacent to and west of the PSTA site. These uses include offices, retail (a pharmacy and fast food), Wootton Crest townhome community, Academy Primary School and Child Development Center, and a Pepco substation.

Pursuant to the applicable provisions of Chapter 50 of the Montgomery County Code (the “Subdivision Regulations”), Applicant submits this Application for subdivision of the Property

into 288 buildable lots and approximately 25 parcels for the redevelopment of the Property with approximately 645 dwelling units and 1,940 square feet of ground floor retail space in one of the multi-family structures (the “Project”). The unit mix will include approximately 281 townhouses, 64 2-over-2 condominiums, and 300 multi-family apartment units. Thirty percent (30%) of the units, or 194 units, will be moderately priced dwelling units (“MPDUs”).

II. History and Background of Great Seneca Science Corridor Master Plan and Zoning

In 2010, the Montgomery County Council approved the GSSC Master Plan and associated Sectional Map Amendment, classifying the Property in the CR-1.0, C-0.5, R-1.0, H-150 Zone. The 2010 GSSC Master Plan noted that this life sciences neighborhood looked and functioned like an office park where people traveled, often by car, to their office jobs, only to return home to a different neighborhood by car in the evenings. (p. 17) The GSSC Master Plan desired to dramatically change this area by envisioning a vibrant and dynamic life sciences neighborhood, where residents can not only work, but live. (p. 9) Since 2010, several commercial, residential, and retail projects have been approved in the GSSC Master Plan area and are in various stages of construction.

The GSSC Master Plan organizes development by geography and limits development using stages with specific triggers. This Property falls within the Life Sciences Center West District (“LSC West”) of the GSSC Master Plan. LSC West encompasses approximately 75 acres. This 75 acre LSC district contains the Property (which is approximately 45 acres of the 75 acres). The remainder of the LSC district contains parcels to the south and west of the Property that serve as the location of existing office, retail, residential, and utility uses. (See Map 14, p. 37)

To ensure that development and infrastructure work cohesively, the GSSC Master Plan contains four stages with specific triggers to balance development with transportation and other

infrastructure. Currently, the GSSC Master Plan remains in Stage One, which provides development capacity for 400,000 square feet of commercial uses and 2,500 residential units. Much of the 400,000 square feet of commercial development capacity within Stage One has been exhausted, but significant capacity for residential development (over 2,100 units) in Stage One remains, ensuring that development capacity exists for this Project. Monitoring of the GSSC Master Plan, its districts, and the stage triggers occurs biennially and culminates in a progress report detailing infrastructure and development updates and the status of any other staging objectives. The most recent progress report reflecting the above numbers was issued in October 2019.

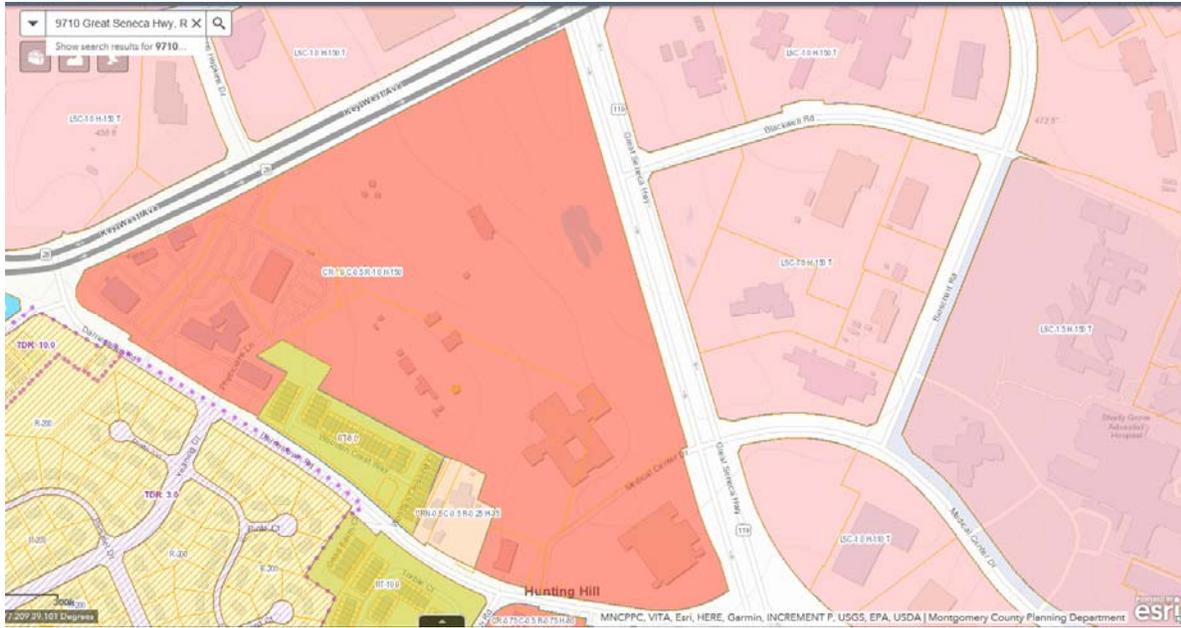
The construction of residential units adjacent to a variety of transit options to promote alternatives to car use and enhance access to future transit stations is an important element of the GSSC Master Plan. Currently, several bus routes that provide local and regional connections are located around the perimeter of the Property. Moreover, pedestrian and cycling paths exist along the perimeter roadways of the Property. In the future, the GSSC Master Plan envisions new public transportation options, including the Corridor Cities Transitway (the “CCT”), a 14-mile bus rapid transit option, and the Life Sciences Center Loop Trail (“LSC Loop Trail”), a 3.5-mile pedestrian and cycling trail that provides important connections other trails. To facilitate transportation around and outside the Property, the Preliminary Plan includes the dedication of right-of-way and construction of three Master Plan roads and related infrastructure within LSC West: Medical Center Drive, Blackwell Road, and Travilah Road. More details about the roads are provided below.

Most of LSC West, including the Property, is zoned Commercial Residential with the following breakdown: CR 1.0: C 0.5, R 1.0, H 150. The CR zone permits a mix of uses to provide options

and choices of housing, transportation, amenities, commercial services, and public facilities within an area. Moreover, the zone allows for a variety of densities and heights. The CR zone is helpful in areas such as where the Property is located, as it:

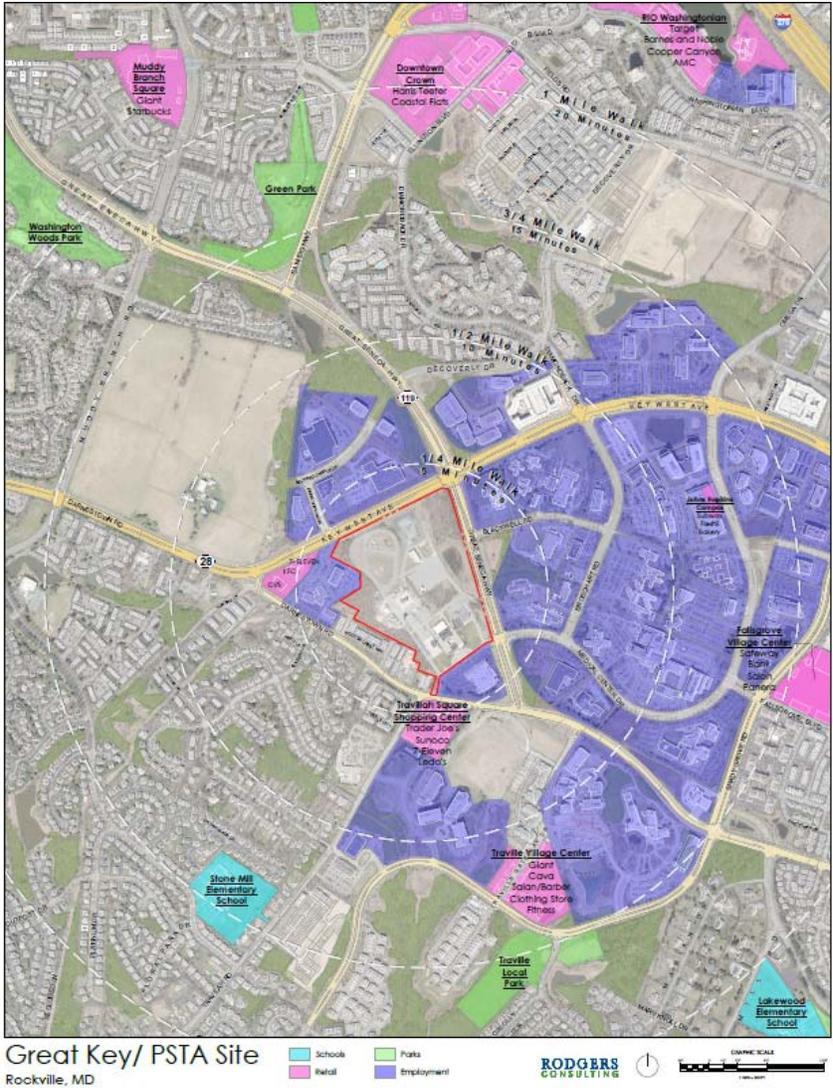
- Identifies opportunities for redevelopment;
- Encourages different housing, transportation, services, and public amenity options;
- Allows for a mix of uses and heights to facilitate compatibility;
- Provides a mix of employment and housing opportunities;
- Provides for development under a lower density standard method (up to 0.5 FAR) while allowing for additional density by an optional method if certain criteria are met.

The property within LSC West which is not zoned CR is zoned RT-8 for townhomes (to accommodate the existing Wootton Crest townhome community) or Commercial Residential Neighborhood (CRN), to accommodate the existing Pepco substation and the childcare/preschool use nearby.



LSC West Zoning Map

In 2019, a Concept Plan for the Project was submitted by the previous applicant and contract purchaser and reviewed by MNCPPC and other government agencies. This Concept Plan contained commercial and residential components. Comments were provided to the previous applicant at DRC in May 2019. Also during this time, the previous applicant met with multiple retailers, including grocers, and received feedback that a commercial presence at this location was not viable. This is due to multiple factors, most notably several existing retail uses, including a Trader Joe's grocery store, within one block of the site and the general market decline in demand for retail space. After an extensive evaluation of the commercial potential on the site, the previous applicant assigned their rights to purchase the Property to the Applicant. Existing retail uses (shown in pink) and commercial uses (shown in purple) within walking distance (approximately ¼ mile – 1 mile) are shown below.



III. Proposed Project

After careful evaluation of the GSSC Master Plan, zoning, comments received at DRC, and feedback from the retail market, the Applicant prepared the Application for the Project that addressed comments received at DRC and reduced the retail components of Concept Plan while maintaining the residential emphasis that included single-family attached, 2-over-2s, and multi-family apartment units. The Project, as currently proposed, falls under the purview of the Standard Method of the C-R zone and proposes a variety of unit types and sizes, including thirty

percent (30%) MPDUs, a grid street pattern with on-street parking, provisions for alternative transportation options (including a site for the future CCT station), integration of green spaces, and community amenities such as a community green adjacent to the future CCT site, recreation area, mews, tot lots and walkways. Some retail development is also integrated into one of the proposed multi-family buildings. Specifically, the development includes 645 total residential units and approximately 1,940 square feet of retail, as follows:

- 345 for-sale homes
 - 64- 2-over-2 condominiums
 - 48- 16' townhomes
 - 176 – 20' townhomes
 - 57 – 24' townhomes
- 300 multi-family apartment units
- Approximately 1,940 square feet of retail co-located in the apartment building and at the intersection of Medical Center Drive and Key West Highway

As noted, for-sale residential units include single-family attached, 2-over-2 condominiums and multi-family units. The 300 rental units will be located in three elevator-served mid-rise buildings with surface parking. The proposed retail is co-located with the residential in the ground floor of the multi-building. Thirty percent (30%) of all residential units will be MPDUs and include for-sale units and for-rent units.

A. Access and Circulation

The Preliminary Plan shows the dedication of right-of-way for the master planned roads, as follows:

- Blackwell Road – 70' ROW
- Medical Center Drive – 110'-130' ROW (varies)
- Travilah Road – 56', Modified, See design exception request

Blackwell Road, Medical Center Drive, and a segment of Travilah Road will be constructed as part of the Preliminary Plan. The intersection of Blackwell Road and Medical Center Drive, somewhat central to the Project, is the densest area of the site and is the proposed location of the CCT station.

The Applicant intends to dedicate and construct all infrastructure in the 70' ROW of Blackwell Road, including bike lanes and pedestrian connections. Moreover, the Applicant plans to dedicate the full right-of-way for Medical Center Drive and construct two lanes. Within the Medical Center Drive right-of-way, the Applicant will also construct the pedestrian and cycling facilities as shown on the Preliminary Plan, and two travel lanes. As discussed in more detail below, the results of the traffic study for the Project clearly show that two lanes of capacity for Medical Center Drive are more than sufficient to accommodate the density of this Project. Moreover, the future and timing of the CCT in Medical Center Drive, and associated infrastructure, is not definitive. Accordingly, the Applicant anticipates that the balance of Medical Center Drive will be constructed in the future when the CCT is funded and constructed. Stormwater management facilities to treat the entire Medical Center right-of-way will be constructed as part of the Project. Finally, some right-of-way for a future extension of Travilah Road through the Site will be provided from the terminus of Travilah Road (located on the Site) to Darnestown Road. A pedestrian connection through this right-of-way dedication to Travilah Road is also proposed in the Preliminary Plan.

All other streets with unit frontage within the Preliminary Plan will be public streets. Design exceptions to limit imperviousness, provide parking and allow for stormwater management within the right-of-way have been filed with the Department of Transportation and are outlined below. Most homes within the Project will be served by alleyways that are intended to be privately owned and maintained by the future homeowner's association.

B. Open Space and Amenity Areas

The Preliminary Plan shows the reservation of land for a CCT station located at the intersection of Medical Center Drive and Blackwell Road, central within the Site and near the densest area of the Preliminary Plan. A civic green is located adjacent to the station, as recommended in the GSSC Master Plan. The Preliminary Plan contains another large green area for recreational purposes at the intersection of Medical Center Drive and Great Seneca Highway, as outlined in the GSSC Master Plan. A pool on an apartment parcel will be provided, and tot lots, multi-age play areas, and trails are accommodated for in the Preliminary Plan.

C. Forest Conservation

The Preliminary Plan will provide 2.89 acres of forest conservation area at the intersection of Great Seneca Highway and Key West Avenue. Additional forest conservation along the border with the Wootton Crest townhome community will be provided where available. The remaining forest conservation requirement for the Preliminary Plan will be fulfilled by purchasing off-site forest conservation easements, as more fully discussed below.



D. Phasing and Validity Period

With regard to phasing and validity period for the Preliminary Plan for a multi-phase project, Section 50-4.2.G.2.b of the Subdivision Regulations requires that: (1) the Applicant propose a phasing schedule and the duration of the validity period for each phase; and (2) the Planning Board assign each phase a validity period considering the size, type, and location of the Project. The time allocated to any phase must be 36 months after the initiation date for that

particular phase and the cumulative validity period of all phases must be no longer than the adequate public facilities (“APF”) validity period. As detailed below, the Applicant is requesting a 10-year APF validity period. With respect to phasing, the Applicant requests the following Preliminary Plan validity periods for each phase of the Project:

- Phase 1: 36 months (3 years) for Preliminary Plan validity period
- Phase 2: 72 months (6 years) for Preliminary Plan validity period
- Phase 3: 108 months (9 years) for Preliminary Plan validity period
- Phase 4: 120 months (10 years) for Preliminary Plan validity period

With respect to each of the above identified phases, Applicant anticipates the following number of lots to be recorded: Phase 1 – 1 lot; Phase 2 – 50 lots; Phase 3 – 50 lots; Phase 4 – 187 lots.

Pursuant to Subdivision Regulations Section 50-4.3.J.5.a.iv, the Applicant is requesting a ten-year APF validity period. A validity period longer than the five-year minimum under Subdivision Regulations Section 50-4.3.J.5.a.iv would not be adverse to the public interest and is necessary due to the size and complexity of the Project and anticipated absorption period for the sale of units. Specifically, the Project includes approximately 645 units and 1,940 square feet of commercial to be built with one of the apartment buildings. The Applicant anticipates that the construction of this large number of units on the Property will take many years, and an APF validity period of ten years is necessary and reasonable.

Under Subdivision Regulations Section 50-4.3.J.5.b, a phasing plan or development schedule is required where the Applicant requests a validity period longer than the five-year minimum. Accordingly, the Applicant proposes that the Project be developed in three phases as follows:

Phase 1: 60 Months (5 years) for APF validity period

Phase 2: 36 Months (3 years) for APF validity period

Phase 3: 24 Months (2 years) for APF validity period

With respect to each of the identified phases, the Applicant anticipates the following number of building permits: Phase 1 – 9 building permits, Phase 2 – 40 building permits, and Phase 3 – the remainder of building permits.

E. Compliance with GSSC Master Plan

The GSSC Master Plan identifies key goals of LSC West to be creation of additional housing and mobility options within LSC West. The Project addresses these goals by proposing a mix of housing types for a variety of residents at an array of different incomes, creating and enhancing multiple transportation options and building critical connectivity within and beyond LSC West. The Preliminary Plan also provides for several public facilities, such as the CCT and the related station, the civic green, a large green area to be used for recreational purposes, and the LSC Loop Trail, as outlined in the GSSC Master Plan.

F. 50.4.2 Required Findings

To approve a preliminary plan, the Board must find that:

- (1) *the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;*

As noted above, the Applicant seeks to subdivide the Property into 288 buildable lots and approximately 25 parcels for a development of 281 townhouses, 64 2-over-2s and 300 multi-family apartments, with 1,940 square feet of retail. The layout, width, size, and density of lots in the Preliminary Plan are appropriate given the requirements of the CR zone set forth in Chapter 59. Zoned Commercial Residential (CR 1.0: C 0.5, R 1.0, H 150), the Preliminary Plan utilizes

the standard method of development and proposes 645 total units and approximately 1,940 square feet of retail uses. The proposed density of the Preliminary Plan is 0.46 FAR.¹ Units range in size and pricing alternatives to accommodate a variety of residents, from scholars attending nearby universities, to new families who want to live close to where they work, to retirees who would like to downsize. Blocks are configured in a grid pattern with all homes adjacent to tree-lined, sidewalk served streets. Mews with sidewalks are integrated throughout the Project. Public streets, complete with sidewalks, connect all elements of the Preliminary Plan: homes, recreational amenities, commercial uses, retail and transportation options. Pedestrian and vehicular connections to adjacent neighborhood uses, including the commercial uses within LSC West, are also provided in the Preliminary Plan.

Although final lot sizes, setbacks and PUE dimensions will be determined for the Project at Site Plan, all fee-simple units are contained within lots that are appropriately sized for the corresponding residential units. Lot sizes for all townhomes within the Project are larger than the 800 SF lot area required in CR zone. All setbacks for townhomes are also contemplated within the Preliminary Plan and comply with those outlined in the CR zone. Finally, adequately sized PUEs are also contemplated and shown on the Preliminary Plan.

Additionally, the 2-over-2s within the Preliminary Plan are contained within lots that are also sized appropriate for the unit type. Final lot sizes may be modified at site plan. The setbacks and PUEs contemplated and shown on the Preliminary Plan also comply with the CR zone. 2-over-2 lots contain only the 2-over-2 units and are located adjacent to other 2-over-2 lots to

¹ Please see Preliminary Plan Data Table for FAR calculations.

facilitate the creation of a future condominium association that will serve all of the condominiums in the Project.

Finally, all apartment infrastructure is located on a single discrete building lot appropriately sized to accommodate the buildings and associated infrastructure. These multi-family units also meet the required setbacks and sizes. The apartments are expressly designed to front and create a building edge along Blackwell Road, a Master Planned roadway. Building 1 of the apartments contains a defined corner and plaza area at the intersection of Blackwell Road and Medical Center Drive, immediately across from the central green and any future CCT station.

Parking for the apartments will be surface parking with significant landscape screen along Key West Avenue. There are several reasons for locating the parking and screen as proposed. First, the Preliminary Plan focuses on the interaction of the apartment buildings and Blackwell Road. The apartments will provide a strong building edge and thoughtfully interface with Blackwell Road. Blackwell Road has a much lower speed limit than other major roads adjacent to the Site (most notably Key West Avenue) and provides critical elements to the Plan: street-lined parking, landscaping, shorter blocks, pedestrian and cycling routes within a 70' right-of-way. Second a large gas main transmission line and easement runs underground in an easement between the apartments and Key West Avenue. This gas line and easement preclude any building construction in this area. . Finally, the construction of surface parking at this location not only creatively uses the ground in this highly sensitive area (thereby increasing density), but this parking also helps to facilitate more affordable rental rates for the apartments..

Road design for streets interior to the site is appropriate given the density of the Property, and the size, location, and purpose of the streets and related infrastructure. As detailed below, several design exceptions have been submitted to ensure the roads are compatible with the Project's

density and to provide a safe and efficient transportation network for cars, walkers and cyclists. These design exceptions are also necessary to accommodate stormwater management and landscaping in the tree panels.

Three hundred thirty-one (331) of the for-sale units are served by 20'-wide alleys. The remainder of for-sale homes (14 of the 24' townhomes) are accessed by a front-loaded garage facing the street. Streets are wide enough to accommodate moving vehicles, parking, pedestrians cyclists, underground utilities, some stormwater management and landscaping. All homes are fronted with public sidewalks that are interconnected throughout the Preliminary Plan. The LSC Loop Trail traverses the Project along Medical Center Drive. Block lengths range from 440' to 690'. Sprinkled throughout the Preliminary Plan are mews lined with sidewalks and greenspace.

(2) *The Preliminary Plan substantially conforms to the Master Plan.*

As discussed above, the Property and Preliminary Plan fall within the LSC Life Sciences Center West District of the GSSC Master Plan and encompasses approximately 60% of LSC West (45 acres of a total of 75 acres). The Preliminary Plan substantially conforms to the Master Plan as follows:

GSSC Master Plan Recommendation	The Project
Relocate the PSTA.	The PSTA was relocated in 2016. The former PSTA buildings were demolished after relocation.
Re-zone the site from R-90 TDR to CR.	The site was re-zoned in 2010 to CR 1.0 (C 0.5, R 1.0, H 150).
Residential buildings with most density and height should be adjacent to the proposed CCT station.	The Preliminary Plan proposes the highest density, multi-family housing (the apartments and 2-over-2 condominiums) adjacent to the proposed CCT station at the intersection of Blackwell Road and Medical Center Drive.

GSSC Master Plan Recommendation	The Project
Require a concept plan for LSC West to determine location and placement of highest densities and building height at transit, creation of a local street network, public open spaces and the LSC Loop.	A concept plan for the site was filed and reviewed in May 2019. The Preliminary Plan responds to the comments received by placing the CCT station in the central part of LSC, including a civic green adjacent to the CCT station, providing a large green area for recreational purposes on the site, updating the transportation options, including MPDUs, updating the street network, and including recommended pedestrian and bicycle connections for the LSC Loop.
Locate highest density housing and retail uses and tallest buildings near the CCT station.	The Preliminary Plan shows the highest density apartments and 2-over-2s with retail use adjacent to the CCT station.
Minimize impact to forest conservation area located at the intersection of Great Seneca Highway and Key West Avenue.	The Project minimizes the impact to the forest conservation area and preserves the trees at the intersection of Great Seneca Highway and Key West Avenue.
Accommodate a new public elementary school and local park, if determined necessary, and central public open space near the CCT.	A central civic space near the CCT station is provided. Available information on school capacity and anticipated student generation from the Project show that an elementary school site is not required at this location. Although it appears likely that a future elementary school site may not be necessary, the adjacent 6.5-acre Parcel V owned by Montgomery County would be available if a site is later determined to be necessary.
Locate CCT station along Medical Center Drive in the center of LSC West.	The Preliminary Plan locates the CCT station at the intersection of Medical Center Drive and Blackwell Road in the center portion of the site, near the highest densities and the large open green that serves the community.
Create interconnected street grid.	The street network, comprised of public streets, is an interconnected grid pattern. The grid pattern is reinforced via sidewalks in the mews and the paths along the perimeters of the site.
Ensure blocks are walkable blocks.	Block lengths are walkable lengths. Mews have been added to improve pedestrian connectivity to the CCT station and throughout the site. Most homes are served by alleyways.

GSSC Master Plan Recommendation	The Project
Include a large park with regulation size rectangular field.	A large green area for recreational purposes has been provided at the intersection of Great Seneca Highway and Medical Center Drive.
Build an urban park near CCT as a gathering space and focal point in the community.	An urban park has been provided at the CCT station.
Provide 30% of all units as MPDUs.	30% of the units provided are MPDUs.
Provide connectivity to adjacent neighborhoods.	Future connectivity to adjacent neighborhood has been provided by dedicating right-of-way for a future multi-modal connection (Blackwell Road extended) to Darnestown Road. In the interim and as part of the Project, a pedestrian and cyclist connection to Darnestown Road will be provided as shown in the Travilah Road right-of-way dedication proposed by the Project.
Build 15% of tract as public use space.	A minimum 15% of the tract is open space. This includes the trails, sidewalks, stream valley buffer, the urban park adjacent to the future CCT station, the large green area and the tot lots integrated into the site.
Integrate open space.	Open space is integrated via sidewalks and trails.
Dedication of right-of-way to widen Key West Avenue.	The additional right-of-way has been added to the Preliminary Plan as dedication.

It is anticipated that the remaining acreage within the LSC West district will be redeveloped in the future. Existing uses in LSC West include office, medical office, retail, and residential. To that end, current and future uses facilitate the LSC West vision of providing a mix of uses. Moreover, it is contemplated that other areas within LSC West (particularly the office/retail area and the Center of Cybersecurity) will be redeveloped in the future to provide additional opportunities to further meet GSSC Master Plan goals.

The GSSC Master Plan contemplates the inclusion of a possible future public elementary school site on the Site. As noted, the Applicant finds that an elementary school is not necessary to serve the proposed development. If a future school site is necessary, then, as discussed during the Concept Plan DRC, Parcel V/Phase 2 should be considered as satisfying this potential future need.

- (3) *Public facilities will be adequate to support and service the area of the subdivision.*

Adequate public facilities exist to serve the Project. The Property is located in the Wootton school cluster, which has capacity at all school levels (Stone Mill, Cabin John, and Thomas S. Wootton) and at the cluster level to serve the future residents of the Project pursuant to the FY2020 Annual School Test. Pursuant to the 2016 Subdivision Staging Policy, “[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated.” There is no evidence of a local area problem, and thus the Property will be adequately served by police and fire protection.² The Property is classified in the water category W-1 and sewer category S-1, and, therefore, adequate public water and sewer facilities exist to serve the Project.

The Traffic Impact Analysis dated January 9, 2020 and performed by the Traffic Group indicates that roads and the transportation network in this area provide adequate public road and transportation facilities to serve the Project. As previously noted, the traffic generated by the

² Several police stations exist in the area, the nearest police station is located two miles away. Fire and rescue squads are also located nearby, with the closest being Station 32, located less than one mile away. Several medical clinics that collaborate with and serve Shady Grove Adventist Hospital are also located in close vicinity of the Project.

Project does not require the capacity provided by four lanes of Medical Center Drive. Specifically, the Traffic Group indicates that the Project will generate just 1.8% of the total capacity provided by Medical Center Drive's four lanes of traffic, and states that two lanes of Medical Center Drive will be more than enough to serve the Project. Given this, the Applicant proposes to build two lanes of the ultimate four-lane section, along with the pedestrian and cyclist lanes, of Medical Center Drive as part of the Project. To accommodate the CCT and future capacity, the Applicant plans to dedicate the full right-of-way for Medical Center Drive to accommodate the future construction of two additional lanes, CCT access and a CCT station in the median of Medical Center Drive, in addition to providing the cycle and pedestrian routes required.

(4) *All Forest Conservation Law, Chapter 22A, Requirements are Met*

The Preliminary Forest Conservation Plan meets the requirements of Chapter 22. Specifically, the Preliminary Plan shows clearing 5.93 acres and retaining 2.89 acres on-site. Most of the on-site forest retention is located at the intersection of Great Seneca Highway and Key West Avenue, which adheres to the vision outlined in the GSSC Master Plan. Small pockets of forest retention are proposed along the portions of the boundary between the Property and the existing Wootton Crest townhome community. An additional 11.83 acres of afforestation and reforestation is required and will be provided by purchasing off-site forest conservation easement credits.

A Tree Variance Request has been submitted to request a variance from Section 22A-12(b)(3) of the Montgomery County Code. This section of the Code states that a variance is required to disturb "any tree with a diameter, measured at 4.5 feet above ground of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State

champion tree of that species.” Ten specimen trees exist on, or within 100’ of the boundary of this Site, as identified on the NRI/FSD. Six of these specimen trees need to be removed so that the Site can be redeveloped in accordance with the GSSC Master Plan. The removal of these trees (tree numbers 4, 6, 7, 10, 17 and 32) is necessary to accommodate GSSC Master Plan road right-of-way, building stormwater management, tie out grading, or due to the poor health of the tree. Removal of the trees enables the Applicant to build out this site as the residential community as envisioned by the 2010 GSSC Master Plan, allows Applicant to experience rights similar to other land owners, does not degrade water quality within this area, and does not provide any special privilege to the Applicant that would be denied to other applicants.

- (5) *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Project, which is classified as “redevelopment,” was previously used as a training facility for police and fire officials and adheres to the SWM requirements of Chapter 19. Located in the Upper Muddy Branch sub-watershed and the Lower Potomac Direct Watershed, Class I-P, the Property is not located in a special projection area. Currently, the Property contains existing training facilities that were used by the PSTA, including parking lots, paved roads, stormwater management facilities and pad sites which once housed buildings for the PSTA. Since existing imperviousness on the Property is greater than 40 percent, the Project qualifies as a redevelopment site per the County Code. To that end, alternative stormwater management practices will be employed by the Project to treat stormwater once environmentally sensitive design options (ESD) to the maximum extent practicable (MEP) has been exhausted. The provision of ESD measures on the site is constrained by several factors, including poor infiltration soils, shallow bedrock, right-of-way dedication requirements, and two existing large water lines and required buffers, all of which further limit the practicability of ESDs. Despite

this, ESD and alternative stormwater management practices are proposed to treat impervious run-off from the Project, including micro-bio facilities, flow-splitters, corrugated metal pipe detention units, cartridge treatment facilities, etc.

- (6) *any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M*

The Applicant has no actual or constructive knowledge of any burial site on the Property, nor is a burial site included in the Montgomery County Cemetery Inventory located within the subdivision boundary.

- (7) *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

All applicable provisions specific to the Property and necessary for approval of the subdivision have been addressed and satisfied by the Application.

IV. Road Design Exception Request

Design exception requests to modify public road design standards has been submitted by the Applicant to appropriate agencies for review and approval. These design exceptions are necessary to accommodate the current site density and fulfill the vision for the site as outlined by the GSSC Master Plan while providing the appropriate and safe transportation and stormwater management infrastructure within the right-of-way. Modifications include the following:

Modification of Pavement Widths. Given the current density of the Project (0.46 FAR), proposed pavement widths have been modified from 11' travel lanes to 10' travel lanes. Parking lanes remain at 8' in this scenario. Chapter 49-32 of Montgomery County Code establishes 10' travel lanes in urban areas adjacent to parking. Moreover, this lane width legislation is supported by the AASHTO Green Book, which indicates that 10'-11' travel lanes

do not impact safety or vehicular capacity. The narrower lane widths create a traffic calming measure, thereby increasing the safety for all right-of-way users.

Obstruction of Right-of-Way. The Applicant requests the placement of stormwater management structures in the right-of-way. These facilities will be located in the parking bays and tree panels. The purpose of this modification is to provide appropriate stormwater management structures that will convey and treat water collected in the rights-of-way. Moreover, tree panels will help to shade the roadway, and help to treat street run-off.

Sidewalk Width. The Applicant requests a reduction of sidewalk widths throughout the Project to 5' from 7' as required in Montgomery County Standard Section MC-2005.02. This width is acceptable in the County's Design Standards (MC-2002.03). Given that the current FAR is 0.46, approximately half of the maximum density, narrower sidewalks are acceptable for safety and mobility.

Tree Panel Width. The Applicant requests the tree panels be 5' instead of 7' as required in Montgomery County Standard Section MC-2005.02. This reduction is the minimal accepted width and will assist in providing the development shown on the Preliminary Plan while providing an adequate growing area for vegetation located within the panel.

Maintenance Strip Width. The Applicant requests the removal of the 2' maintenance strip that is required in Montgomery County Standard Section MC-2005.02. This helps to create a more urban design feel in the neighborhood by bringing the build-to line closer to the streets. It also helps to maintain the development proposed in the Preliminary Plan.

Intersection Spacing. The Applicant requests a reduction in intersection spacing, which deviates from Chapter 50, Section 4.3.2.E.f.ii. This is to accommodate the layout and density of the Project, and does not impact safety.

Minimum Right-of-Way Width. The Applicant requests the reduction of the overall right-of-way widths for several of the streets in the Project (Street A, Street B, Street C, Street D, Medical Center Drive) based on the changes listed above.

Permitted Centerline Radius. The Applicant requests that the centerline radius for some of the secondary roads on the site to be reduced from 150' (as required by Chapter 50, Section 4.3.2.E.g.ii) to 100'. This is due to the single-use residential nature of these streets and reduced vehicular traffic that will be generated. Moreover, this reduction will increase pedestrian safety and visibility.

Non-through Street. The Applicant requests that Street C be approved as a non-through street, which requires a waiver from Chapter 50, Section 4.3.2.E.e. The non-through street is designed as such because of the Master Plan road connection at a future time. Additionally, Street C meets the necessary criteria for waiver approval: the through road is currently not feasible due to the property's unusual shape and characteristics of the abutting property, the road provides access to no more than 75 dwelling units, and the road is property terminated in a turnaround.

Bike Master Plan Bike Paths. The current Standard Sections in MC 2005.01 and MC-2204.10A do not include a Bicycle Master Plan 8' side path. The Applicant requests that this is included, as shown on the Preliminary Plan and per the Bicycle Master Plan recommendations (8' side path to accommodate two-way bike traffic, and, in certain instances with a 2' buffer).

Moreover, the Preliminary Plan also calls for two one-way 5'-wide side paths to accommodate bicycles also be included with a 2' separation from pedestrian traffic, as shown on the Preliminary Plan.

Incorporation of the CCT. The Applicant request that the street section standard (MC-2004.10A) is modified to accommodate the CCT within the median, with a right-of-way varying from 26' to 44' for two bus lanes and varying between 0' and 18' at the CCT station location. The purpose of this waiver is to accommodate the CCT lanes and stations within the right-of-way.

Dual Road. The Applicant requests that a variance from Chapter 49, Section 40.b.5 and allows the Director to approve the construction of a part of a two-way roadway if certain criteria is met. Medical Center Drive is shown as a four-lane divided roadway in the GSSC Master Plan. However, until the CCT is funded and constructed, traffic on this road is expected to be minimal, making the construction of the full width right-of-way to be unnecessary at this time. Full width right-of-way dedication will be provided, and intersections will be construction in-full during the interim conditions.

V. Community Outreach

A pre-submission meeting for the Property was held on October 30, 2019 at Lakewood Elementary School in Rockville. The meeting was noticed, via mail and posting of signs per guidelines outlined by MNCPPC. Please see submission for proof of noticing and meeting requirements.

VI. Conclusion

The Applicant respectfully requests the approval of the Preliminary Plan for the Property (formerly the PSTA), consisting of 645 units and 1,940 square feet of retail on approximately 45 acres on the Property. The submitted plans and provided analysis show that the Project adheres to the GSSC Master Plan and complies with the Subdivision Regulations and zoning requirements for this Site. At build-out, the Project will create the vibrant residential community with amenities and mobility options as envisioned by the GSSC Master Plan.

THE ELMS AT PSTA, LLC

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