

JUSTIFICATION STATEMENT
FOR PRELIMINARY PLAN APPLICATION NO. 120150010
GABLES WHITE FLINT
(7/24/2014)

I. INTRODUCTION

A. Property Description

The Gables White Flint Preliminary Plan contains a gross tract area of approximately 5.15 acres of land that consists of the following: (1) approximately 3.18 acres of land, owned by LG Georgetown LLC (“Gables” or “Applicant”), that is bounded to the west by Old Georgetown Road, to the north and east by the current Executive Boulevard right-of-way, and to the south by Wall Park and a bank (the “Gables Property”); (2) approximately 34,403 square feet of the current Executive Boulevard right-of-way owned by Montgomery County (the “County”) (the “County ROW”); (3) approximately 22,179 square feet of a portion of a surface parking lot owned by the County that is part of the Montgomery County Conference Center (the “County Property”); and (4) prior public street dedications of approximately 29,489 square feet from the Gables Property for Old Georgetown Road (collectively, the “Property”).¹ The detailed calculations of the gross tract area are shown on the Preliminary Plan (attached to this application).

Gables has been authorized by the County to submit this Preliminary Plan Application, the Site Plan Application being filed concurrently, and future related development applications to include County-owned land by an executed Memorandum of Understanding Authorization to Submit Development Applications dated March 22, 2013 (attached to this application).

B. Sector Plan Recommendations

The Property is located in the Metro West District of the White Flint Sector Plan that was approved and adopted in April 2010 (the “Sector Plan”). The Metro West District is divided into

¹ Since the Sketch Plan approval, the VOB site of approximately 2,549 square feet has been removed and the prior public street dedications increased by 15,325 square feet as a result of additional research on the prior street dedications for Old Georgetown Road.

three blocks: (1) Conference Center; (2) Wall Park; and (3) Holladay (see p. 28 of the Sector Plan). The Gables Property is within the Wall Park Block, which is located within a half mile of the White Flint Metro Station and contains an 11-acre park improved with the Kennedy Shriver Aquatic Center (the “Aquatic Center”) and a surface parking lot with 250 spaces (pp. 29, 60). The Sector Plan recommends rezoning the Gables Property to CR-3: C-1.5, R-2.5, H-70 “to ensure a transition in height and density” between the block at the White Flint Metro Station and the existing residential development across Old Georgetown Road (p. 29). The Sector Plan states that the Gables Property should be “primarily residential in character and use” (p. 29). The County land is located on the western side of the Conference Center Block, which is recommended for the CR-4: C-2.0, R-3.5, H-250 Zone (p.28). Although the properties included as part of this assemblage have two different CR zoning recommendations (with different maximum density and building height), the Sector Plan recommends a maximum density of 3 FAR and a maximum building height of 70 feet over the final rectangular configuration for the entire Property as defined in this Sketch Plan (p. 28).

The Sector Plan also recommends realignment of Old Georgetown Road and Executive Boulevard and the creation of Market Street, which will improve traffic circulation in the entire Sector Plan area (p.28). As a result of the future realignment of existing roads and the creation of a new road, the Property and other surrounding properties “will be reconfigured into rectangular blocks in sizes more conducive to redevelopment” (p. 29). The Sector Plan indicates that redevelopment in this area “will require careful coordination between property owners and the public sector to align, dedicate, acquire, and build the public roads” (pp. 28-29).

In regard to Wall Park, the Sector Plan describes the existing surface parking lot at the park as occupying “almost half the site” and recommends relocation of the 250 surface parking spaces to allow the redesign of Wall Park with more active outdoor facilities and a possible new community recreation center for the surrounding community and future residents (pp. 29, 60). The Sector Plan “envisions a public/private partnership with adjacent properties to relocate the surface parking within a parking structure built in conjunction with new residential development” (pp. 29, 60).

C. Zoning of Property

The Gables Property is zoned CR-3: C-1.5, R-2.5, H-70 and the County Property is zoned CR-4: C-2.0, R-3.5, H-250 pursuant to Resolution No. 16-1427, which was adopted by the Council on July 13, 2010 to implement the Sector Plan recommendations. The County ROW is zoned CR-3: C-1.5, R-2.5, H-70 pursuant to Section 59-A-1.71(a)² of the Zoning Ordinance.

II. HISTORY OF APPROVALS

By a Corrected Resolution mailed on December 11, 2013, the Planning Board approved Sketch Plan No. 320130010 (the “Sketch Plan”), subject to conditions, for construction of a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses. A copy of the Planning Board Resolution is attached.

III. PROPOSED PROJECT

A. Description of Project

Gables proposes a mixed-use project on the Property with a maximum density of 2.32 FAR (2.18 FAR for residential uses and 0.14 FAR for commercial uses), which is less than the maximum density of 2.46 FAR approved for the Sketch Plan (2.31 FAR for residential uses and 0.14 FAR for commercial uses). The mixed-use project will consist of: (1) approximately 490,000 gross square feet of multi-family residential density (up to 476 units) with 12.5% MPDUs in three interconnected buildings ranging from 5 to 6 stories (not exceeding the maximum permitted building height of 70 feet)³; (2) approximately 31,000 gross square feet of

² Section 59-A-1.71(a) of the Zoning Ordinance provides the following:

Normally, all publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least intense of adjacent zones. In order to define clearly the location of rights-of-way, the official zoning maps will not depict the zoning within existing rights-of-way.

³ We note that the proposed building height is based on the current design of the realignment of Executive Boulevard. While the proposed building height (i.e., 70’ maximum height) will not change, the measurement of the building height may change as a result of the final grading of the realigned Executive

commercial density for ground floor retail; and (3) a total of 1,003 parking spaces, including 597 spaces in the proposed parking structure to serve the residential and commercial components, 400 spaces also in the proposed parking structure to serve Wall Park (250 spaces to be relocated from the existing surface parking lot and 150 additional spaces for future recreational facilities that may be added to the park), and 6 street parking spaces (collectively, the “Project”). The relocation of the surface parking spaces and the additional parking spaces for potential future recreational facilities at Wall Park to be placed in a shared parking structure on the Property will allow Wall Park to be redesigned as a significant public amenity as envisioned in the Sector Plan.

In addition to facilitating the relocation of the surface parking spaces and the accommodation of additional parking spaces for future recreational facilities for Wall Park on the Property, the Project will provide other public benefits such as a bike sharing station, transit proximity, BLT, public art, minimum parking, energy conservation and generation, structured parking, public parking, exceptional design, wayfinding signage, vegetated wall, and cool roof. Furthermore, attractive and well-planned amenity spaces and streetscaping will enhance the Project and promote pedestrian activity at the street level.

We note that this Project requires the County to complete the design and construct the proposed group of roads identified in the Sector Plan as the western workaroud including realigned Old Georgetown Road, Market Street, and realigned Executive Boulevard proposed to be renamed to Grand Park Avenue.

B. Phasing of Project

Gables proposes the following for the phasing of the Project:

Depending on market conditions, the Gables portion of the Project could be divided into two phases: (1) Phase 1 will begin with the construction of the internal/private infrastructure and a portion of the parking structure (east side of parking structure) to serve the residential and commercial components of the

Boulevard. The Applicant reserves the right to make any necessary adjustments after the final grading of the realigned Executive Boulevard is established.

Project, and continuing with the construction of the east residential building and commercial component, and the center residential building and amenities, moving from east to west of the Property; and (2) Phase 2 will begin with the construction of the west residential building.

Ideally, in the event public funding is available to construct the 400 parking spaces for Wall Park when Gables initiates construction of the parking structure, the entire parking structure could be built at one time, which would produce a number of construction efficiencies and cost savings. If public funding is not available at the time Gables is ready to proceed, then the 400 parking spaces for Wall Park consisting of the west side of the parking structure would be built as a second phase once public funding becomes available and in the interim, the land area reserved for that portion of the parking structure would be a grassy area. Once the construction of the entire parking structure is completed, the parking spaces will be redistributed within the structure so that Wall Park parking spaces are located on the lowest three floors for easy access to Wall Park.

IV. PRELIMINARY PLAN REQUIREMENTS

A. The proposed Preliminary Plan substantially conforms to the Sector Plan.

The proposed Preliminary Plan substantially conforms to the Sector Plan objectives and recommendations by: (1) redeveloping a surface parking lot with a mix of uses (primarily residential), densities, and building heights appropriate to ensure compatibility with the surrounding area; (2) facilitating the redesign of Wall Park through the relocation of the existing 250 surface parking spaces and the accommodation of 150 additional parking spaces for possible future public recreational facilities on the Property; and (3) creating a network of street, bicycle, and pedestrian connections that will improve the circulation in the entire White Flint area.

1. Use, Density and Height

The Sector Plan states that the Gables Property should be “primarily residential in character and use” (p. 29) and recommends a maximum density of 3 FAR and a maximum building height of 70 feet over the entire Property (p. 28). The Sector Plan recommends rezoning

the Gables Property to CR-3: C-1.5, R-2.5, H-70 “to ensure a transition in height and density” between the block at the White Flint Metro Station and the existing residential development across Old Georgetown Road (p. 29).

Consistent with the Sector Plan recommendations, the Project is primarily residential in character and use with a maximum residential density of 2.18 FAR and a maximum commercial density of 0.14 FAR. In addition, the maximum building height of 70 feet is proposed on the east side of the Property and steps down from the east to the west side of the Property to ensure compatibility with and appropriate transition to the existing residential development across Old Georgetown Road.

2. Public Use Space / Public Facilities

The Sector Plan describes the existing surface parking lot at Wall Park as occupying “almost half the site” and recommends relocation of the 250 surface parking spaces to allow the redesign of Wall Park with more active outdoor facilities and a possible new community recreation center for the surrounding community and future residents (pp. 29, 60). The Sector Plan “envisions a public/private partnership with adjacent properties to relocate the surface parking within a parking structure built in conjunction with new residential development” (pp. 29, 60).

Gables has been working with the Parks Department on the relocation of the 250 surface parking spaces and the addition of 150 parking spaces for possible future public recreational facilities at Wall Park to be placed in the shared parking structure on the Property. This would allow the redesign of Wall Park with more active outdoor facilities and a possible new community recreation center for the surrounding community and future residents as envisioned by the Sector Plan. In addition, as shown on the Public Use Plan, public use space will be provided on the Property along Old Georgetown Road, Market Street, realigned Executive Boulevard or Grand Park Avenue, and Private Streets A & B.

3. Road Network

The Sector Plan recommends realignment of Old Georgetown Road and Executive Boulevard, and construction of Market Street, which will improve traffic circulation in the entire

Sector Plan area (p.28). As a result of the future realignment of existing roads and construction of a new road, the Property and other surrounding properties “will be reconfigured into rectangular blocks in sizes more conducive to redevelopment” (p. 29). The Sector Plan indicates that redevelopment in this area “will require careful coordination between property owners and the public sector to align, dedicate, acquire, and build the public roads” (pp.28-29).

Gables has been in discussion with the County and adjacent property owners to coordinate the realignment of Old Georgetown Road and Executive Boulevard and the creation of Market Street, including the necessary dedication and exchange of land, in order to allow the construction of these roads. Once an agreement is entered into with the County and adjacent property owners, the Property and other surrounding properties will be reconfigured into rectangular blocks as envisioned by the Sector Plan. In addition, Gables is proposing private road connections from Wall Park to Market Street and from the shared parking structure to realigned Executive Boulevard or Grand Park Avenue. The proposed street grid will connect with other planned developments and public use spaces throughout White Flint to enhance pedestrian, bicycle, and auto mobility.

4. Transportation Demand Management

The Property is within the boundary of the North Bethesda Transportation Management District (“TMD”). The Sector Plan recommends that the TMD establish a 50% non-auto driver mode share (NADMS) goal for employees and a 51% NADMS goal for employed residents in the Sector Plan area. Gables will enter into a traffic mitigation agreement to participate in the North Bethesda TMD to help achieve these goals.

5. Environmental

The Sector Plan recommends environmental site design techniques, increasing of tree canopy of the Sector Plan area to 20 percent, and minimization of carbon emissions. The Project proposes a green roof, bioretention areas, rain gardens, flow-through planters, and bioswales. In addition, the Project will have trees along Old Georgetown Road, Market Street, realigned Executive Boulevard or Grand Park Avenue, Private Street A, and within the courtyards, as shown on the Streetscape Landscape Materials & Planting Plan (attached as part of this

application). Accordingly, these measures will further implement the Sector Plan’s environmental recommendations.

6. Public Benefits

The Sector Plan recommendations for the Property and surrounding area, including street network and public uses, are advanced via the public benefits. Below is a public benefits table outlining the proposed public benefits in five categories that support the requested incentive density. A more detailed incentive density calculation entitled the “Public Benefits Calculations” is submitted as part of this application.

Category	Public Benefit	Points Allowed	Points Requested
Major Public Facility	Provide land to construct 400 parking spaces for Wall Park & a Bike Share Station on site	70	22.94
Transit Proximity	Property is located within ½ mile from White Flint Metro	50	30.44
Connectivity and Mobility	Provide minimum parking, public parking, and wayfinding signage	170	13.56
Quality Building and Site Design	Provide structured parking, public art, and exceptional design	115	19.56
Natural Environmental Protection and Enhancement	Provide BLT, energy conservation & generation, vegetated wall, and cool roof	180	25.00
Requested Incentive Density Points			111.05

B. The Preliminary Plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below.

Development Standard	Permitted/Required	Proposed for Approval
Gross Tract Area	N/A	5.15 acres or 224,469 s.f.
Density	3.0 FAR or 695,586 s.f.	2.32 FAR or 521,000 s.f.
Non-residential (C)		0.14 FAR or 31,000 s.f.
Residential (R)		2.18 FAR or 490,000 s.f.
Building Height	70 feet	70 feet
Setbacks	None	None
Parking Spaces	136 spaces for non-residential <u>400</u> spaces for residential 536 spaces total	597 spaces for non-residential & residential 400 spaces for Wall Park <u>+ 6</u> spaces on street 1,003 spaces total
Bicycle Parking Spaces	36 public spaces <u>163 private spaces</u> 199 spaces total	36 public spaces <u>163 private spaces</u> 199 spaces total
Public Use Space	10% of net lot area or 17,779 s.f.	12.3% of net lot area or 21,846 s.f.
Residential Amenity Space	Required Indoor – 5,000 s.f. Required Outdoor – 5,000 s.f.	Indoor – 5,000 s.f. Outdoor – 5,000 s.f.

C. The public facilities will be adequate to support and service the area of the proposed subdivision.

1. Transportation

Pursuant to County Council Resolution No. 16-1324, adopted April 27, 2010, the Property is exempt from the typical transportation analysis (i.e., LATR and TPAR) because it is subject to make payments for infrastructure improvements as part of the White Flint Special Taxing District. The revenue generated from this Project will go toward funding necessary road

improvements in this area that includes the western workaround. In addition, the Property is within walking distance to various public transportation facilities. The Property is located ¼ to ½ mile from the White Flint Metro Station as well as bus stations along Rockville Pike.

2. Schools

The Property is located in the Walter Johnson High School Cluster. According to the FY2014 School Test, the elementary school level is adequate, but the middle school level and high school level are not adequate, which would require a School Facilities Payment at those levels to allow the Project to proceed.

3. Public Safety Services and Facilities

Rockville Station #23 on Rollins Avenue is the fire station that currently serves the Property. Also nearby are Bethesda Station #20 at West Cedar Lane and Old Georgetown Road, Bethesda Station #26 on Democracy Boulevard, and Kensington Station #21 along Veirs Mill Road that can provide emergency services to this area.

Given the significant development that has and will continue to occur in the White Flint area, Rockville Station #23 is proposed to be relocated, expanded, and renamed to White Flint Station #23 to meet increased service needs in this area. The estimated schedule is land purchase in FY15, planning and design beginning in FY16, and construction in FY18-20. Depending on when the Project will be completed, the Project will be adequately served by either the current or the new Rockville station and the other nearby fire stations.

The Fire Department Access Plan (attached as part of this application) shows how a fire truck can access the Property from Market Street and realigned Executive Boulevard or Grand Park Avenue and the locations of the Fire Department Connections (FDCs) and fire hydrants (existing and proposed).

In addition, the Property is served by the 2nd District Police Station located at 7359 Wisconsin Avenue in Bethesda. The Sector Plan area is adjacent to the 1st District Police Station at 1451 Seven Locks Road in Rockville, which could also respond to emergencies in this area. The Sector Plan recommends locating a new police substation with the new Rockville fire

station. Accordingly, depending on when the Project will be completed, the Project will be adequately served by the current police stations as well as by the future new police substation.

4. Sewer and Water Service, and other Public Facilities

The Property will be adequately served by public water (W-1) and public sewer (S-1). Gas, electric, and telecommunications services will also be available to serve the Property. The proposed connections are shown on the Utilities Plan.

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

The size, width, shape, and orientation of the proposed lot are consistent with the Sector Plan recommendations and in compliance with the requirements of Section 50-29(a) of the Subdivision Regulations. Therefore, the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

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

A Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) for the Property was approved on July 2, 2013. The Property contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, or rare, threatened or endangered species. The NRI/FSD has identified twelve specimen trees as listed on the Forest Conservation Plan (“FCP”) (attached to this application). One specimen tree with a diameter-at-breast-height (“DBH”) of less than 30 inches (a 27-inch Black gum identified as Tree #1 on the FCP) is proposed for removal for the Project. In addition, two specimen trees with a DBH of 30 inches or greater will be impacted by the proposed Project: (1) a 35-inch Tulip poplar (identified as Tree #2 on the FCP) is located along the eastern property line approximately 60 feet from the southwest corner of the Property; and (2) a 33-inch Pin Oak (identified as Tree #7 on the FCP) located off-site on the adjacent Wall Park property to the south of the Property in a planted screen/buffer area. The

proposed Project will require the removal of Tree #2 and impact the critical root zone (“CRZ”) of Tree #7, which will be preserved.

Section 22A-12(b)(3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection, and that any impact to these trees, including removal of the subject tree or disturbance within the tree’s CRZ, requires a variance. Trees #2 and #7 are under the protection of Section 22A-12(b)(3) because they have a DBH of 30 inches or greater. Accordingly, the Applicant has submitted a variance request to permit removal of Tree #2 and impact of the CRZ of Tree #7. Attached to this application is a copy of the variance request.

The afforestation threshold requirement of 15% of the net tract area is approximately 0.76 acre. The conservation threshold requirement of 20% of the net tract area is approximately 1.01 acres. The total planting requirements is 0.76 acre and will be satisfied by a fee-in-lieu payment, purchase of forest bank credits, or a combination of both. Accordingly, this Project satisfies all the applicable requirements of the Forest Conservation Law provided that the variance is granted.

F. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Department of Permitting Services (“DPS”) that the Stormwater Management Concept Plan meets DPS’ standards.

A Stormwater Management Concept Plan for the Property was approved by DPS on February 20, 2014. The stormwater management requirements are satisfied through a variety of Environmental Site Design techniques, including the use of green roof, bioretention areas, rain gardens, flow-through planters, and bioswales. The proposed stormwater management facilities shown thereon are subject to minor modifications during final engineering review and approval. A copy of the Stormwater Management Concept Plan and DPS approval letter are included with this application.

V. COMMUNITY OUTREACH

A pre-submittal meeting with the community for this Preliminary Plan Application (and Site Plan Application) was held on May 8, 2014 at the Aquatic Center. A copy of the notice, sign posting, sign-in sheet, minutes of the meeting, and an affidavit of the pre-submittal meeting are attached to this application. The concerns raised at the meeting included the timing and length of construction, the quality of the building for noise impacts, and the size of the units.

VI. CONCLUSION

Based on the foregoing, Gables respectfully requests the approval of the proposed Preliminary Plan.

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