



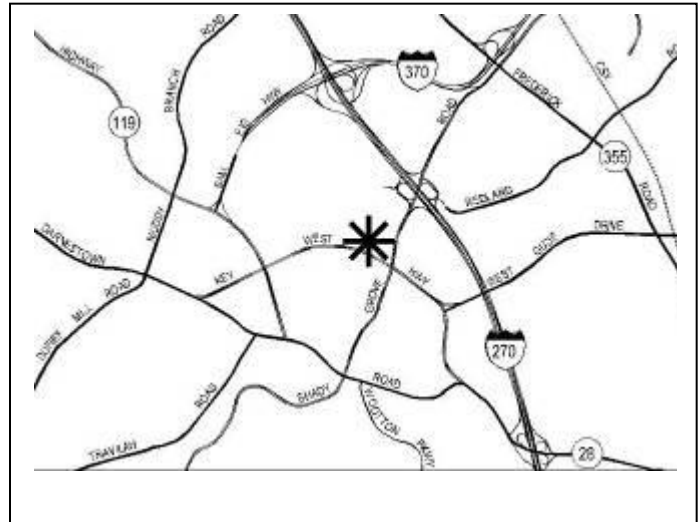
Mallory Square, Sketch Plan 320120010

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staff report date: October 21, 2011

description

- Removal of existing office for approximately 837,000 square feet of development for multi-family residential units and ancillary retail, construction of master-planned Road B-9, and provision of public open space, residential amenities, and public benefits;
- Located in the Southeast quadrant of the intersection of Omega Drive and Research Boulevard;
- On 12.81 gross acres of CR-Zoned land in the Great Seneca Science Corridor Master Plan area.
- Applicant: Woodfield/Meridian Shady Grove, LLC, filed on July 21, 2011



summary

- Staff recommends approval with conditions.
- The proposed development is providing residential housing and ancillary retail in an area dominated by research, office, and hotel uses. It proposes to use the full density allowed under the optional method development and intends to accommodate this density with structured parking, construction of a new public road, and provision of a public benefits package suited for this area.
- The neighboring property owner disagrees with location of reservation for master-planned road B-10 and the GSSC Implementation Advisory Committee has raised some concerns that will require detailed analysis when the preliminary and site plan are filed.

PURPOSE OF THE SKETCH PLAN

The purpose of the Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR and CRT Zones. The Plan is intended to be conceptual in nature with an emphasis on building massing and open space, varying densities and heights, the general circulation patterns for all modes of transportation, and the locations of open and public use spaces. Details of the proposed development occur during Preliminary and Site Plan review.

A sketch plan must be filed for an optional method development to ensure the objectives of the CR and CRT Zones under Section 59-C-15.2, quoted below, can be met by subsequent approvals.

“The objectives of the CR zones are to:

- (a) Implement the policy recommendations of applicable master and sector plans;
- (b) Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- (c) Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- (d) Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;
- (e) Allow an appropriate balance of employment and housing opportunities; and
- (f) Standardize optional method developments by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”

RECOMMENDATION AND CONDITIONS

When approving a Sketch Plan, it should be remembered that, under Section 59-C-15.43(d), “During site plan review, the Planning Board may approve modifications to the binding elements of an approved sketch plan.

- (1) Amendments to the binding elements may be approved, if such amendments are:
 - a. Requested by the Applicant;
 - b. Recommended by the Planning Board staff and agreed to by the Applicant; or
 - c. Made by the Planning Board, based on a staff recommendation or on its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan or does not meet the requirements of the zone.
- (2) Notice of the proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant, or in the final notice of the site plan hearing if recommended by Planning Board staff and agreed to by the applicant.
- (3) For any amendments to the Binding Elements, the Planning Board must make the applicable findings under Section 59-C-15.43(c), in addition to the findings necessary to approve a site plan under 59-D-3.”

Staff recommends approval of sketch plan 320120010, Mallory Square, for two buildings of mixed-use development with a maximum total density of 837,147 square feet on 12.81 gross acres of land zoned CR1.5 C1.5 R1.5 H-100. The following site development elements shown on the sketch plan stamped “Received” by the M-NCPPC on September 20, 2011 and October 20, 2011 are binding under Section 59-C-15.43(d), all other elements are illustrative:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

This approval is subject to the following conditions:

1. Density

The proposed development is limited to a maximum total of 837,147 square feet of development, including up to 10% of the floor area for commercial uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of two retail bays must be provided and maintained as commercial space for a minimum length of time to be determined during site plan review.

2. Height

The proposed development is limited to a maximum height of 90 feet.

3. Incentive Density

The proposed development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

a. Transit proximity

The Applicant proposes 20 points for proximity to master-planned stations for the Corridor Cities Transitway, Level 2 transit stations.

b. Connectivity and Mobility

The Applicant proposes 10 points from the Connectivity and Mobility category, which is achieved through provision of neighborhood services.

c. Diversity of Uses and Activities

The Applicant proposes 12 points from the Diversity of Uses and Activities category, which is achieved through provision of 13.5% MPDUs.

d. Quality Building and Site Design

The Applicant proposes 39 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (9 points), additional public open space (20 points), and exceptional design (10 points).

- e. **Protection and Enhancement of the Natural Environment**
The Applicant proposes 25 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points) and provision of tree canopy (10 points) and a cool roof (10 points).
4. **Building Lot Terminations (BLTs)**
Prior to release of a building permit for each building, the Applicant must provide proof of purchase and/or payment for the required BLTs equal to a pro-rated share of the square footage requested with the building permit.
 5. **Moderately Priced Dwelling Units (MPDUs)**
The proposed development must provide MPDUs in accordance with Chapter 25A and, additionally, any incentive density MPDUs above 12.5% under Condition 3 of this Sketch Plan approval.
 6. **Transportation Planning comments**
At the time of Preliminary Plan, the Applicant must:
 - a. Satisfy the Local Area Transportation Review (LATR) test by submitting a traffic study and providing feasible intersection improvement(s) for any analyzed intersection that exceeds its congestion standard.
 - b. Satisfy the Policy Area Mobility Review (PAMR) test by making required transportation improvements or contributing the required fee.
 - c. Enter into a Traffic Mitigation Agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Greater Shady Grove Transportation Management District (TMD).
 - d. Make required dedications or reservations and enter into any necessary covenants for additional right-of-way along Key West Avenue, Omega Drive, Research Boulevard, master-planned Road B-9, and master-planned Road B-10 to the master plan recommended widths.
 - e. Provide or request waivers for all necessary truncations.
 - f. Provide necessary pedestrian crosswalks, median refuges, handicapped ramps, and street lighting along the site frontage of each abutting right-of-way.
 - g. Provide master-planned bike lanes, paths, and sidewalks along the site frontage of each abutting right-of-way.
 - h. Provide necessary private secure bicycle parking spaces for employees and residents and public bike racks.
 7. **Future Coordination for Preliminary and Site Plan**
The following must be addressed when filing a preliminary or site plan:
 - a. Alignment of master-planned Road B-10
 - b. Underground wet and dry utilities.
 - c. Fire and Rescue access and facility details.
 - d. Master-plan Road B-9 streetscape details.
 - e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements.
 - f. Implementation of transportation improvements.

- g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable.
- h. Compliance with forest conservation law.
- i. Consideration of building-to-street interface to maximize activation and safety.
- j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.
- k. Focus on energy efficiency in site design, building orientation, and building design features.
- l. Consideration of shadows on primary public use spaces.
- m. Address concerns raised by the MCDOT in their letter dated October 14, 2011.

SITE DESCRIPTION

Vicinity

The subject site occupies the majority of the block bounded by Omega Drive, Research Boulevard, Shady Grove Road, and Key West Avenue. This large block is split by two master-planned business streets that will create three blocks: the subject site comprises the western two future blocks. Tech Center Associates comprises the eastern-most future block.



Vicinity Map

The site is immediately surrounded by office parks, hotels, and limited retail/restaurant and residential uses. To the north, across Research Boulevard, are a hotel and offices of the Shady Grove Executive Center. To the east, past the Tech Center Associates site and across Shady Grove Road is a hotel. To the south, across Key West Avenue are the office buildings of the Key West Corporate Center. To the west is the Decoverly Hall office and residential development.

The site is located within ½ mile of three different master-planned Corridor Cities Transitway Stations: Crown Farm, Danac, and Hospital. The master-planned LSC Loop Shared-Use Path will run along the western side of Omega Drive.

Site Description

The subject site comprises 12.81 gross acres currently improved with the Bureau of National Affairs office building, surface parking, and a stormwater management facility. The remainder of the block houses offices, a bank, and surface parking.



Aerial Photo

Natural Resources inventory/Forest Stand Delineation 420111560 was approved by Staff on April 25, 2011. The site is within the Muddy Branch watershed, a Class I-P stream. On-site soils are classified as Glenelg (2B) silt loam and urban land/Wheaton complex (67UB). The site includes some areas with slopes over 25% associated with the stormwater management facility and road banks. There are 0.45 acres of low-priority, mixed hardwood forest on site and 14 significant (24"-29.9" DBH) and three specimen (>30" DBH) trees.

There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

There are no previous approvals that encumber this site.

Proposal

The proposed development would create two mixed-use buildings with a maximum total density of development, with a maximum total density of 837,147 square feet comprising residential uses with up to 650 multi-family units and ancillary retail. The illustrative buildings are proposed to be 4 stories but may be built up to 90 feet as final architectural designs are completed.



Illustrative Plans

To achieve the incentive density for this project, the Applicant must provide public benefits from four of seven categories that total at least 100 points. The public benefit categories the Applicant proposes to utilize include:

Public Benefit	Points Requested
Transit Proximity Category	
¼ - ½ mile from Level 2 CCT Station	20
Connectivity & Mobility Category	
Neighborhood Services	10
Diversity Category	
Affordable Housing	12
Quality Design Category	
Structured Parking	9
Public Open Space	20
Exceptional Design	10
Environmental Category	
BLTs	5
Tree Canopy	10
Cool Roof	10
Total	106

The proposed buildings are each located roughly near the center of two new blocks created when the site is bisected with master-planned Road B-9. The buildings are near mirror images with regard to floor plan: narrow linear footprints encircling internal open spaces and structured parking. Units at grade have access to the sidewalks on the eastern and western facing facades; the units along Key West Avenue are setback further due to the high traffic volume on this road. Small retail bays will occupy the interior southern corners of the buildings facing the internal road.



Building Massing Diagram

The proposed open space concept features a diverse range of public and private spaces. The key public spaces are at the corner of Omega Drive and Key West Avenue, in front of the two retail bays, and along the eastern edge of the property between Research Boulevard and Key West Avenue. Each area has been designed with a distinct vocabulary: curved versus angular, open versus intimate, or active versus passive. These public spaces are divided between on-site public use space required by the zone, open space provided as a public benefit for incentive density, and off-site streetscape along the frontages of each abutting right-of-way.



Open Space Summary:

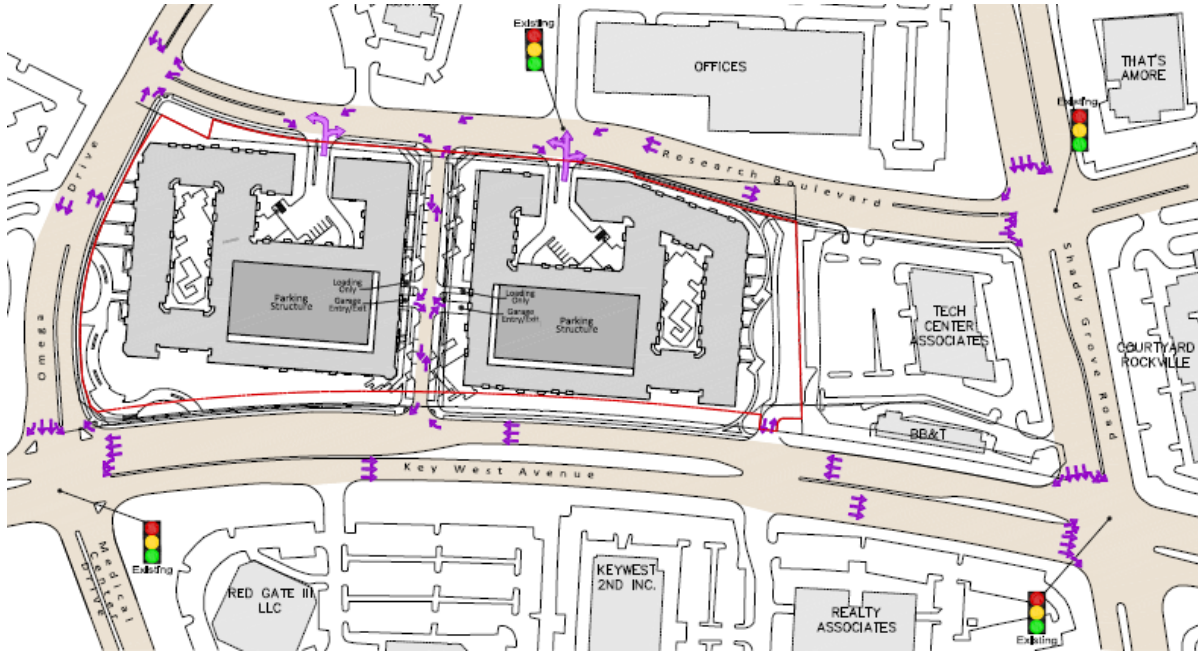
- 10% public use space required (45,786sf);
- 13% open space provided as public benefit (59,200sf);
- Off-site streetscape required (78,859sf); and
- Passive/active recreation space required (5,000sf per building).

The private spaces are focused on entry plazas and interior recreation spaces. As the zone requires, a minimum of 5,000 square feet of outdoor space will be provided for each building. These areas will be improved with amenities such as seating areas, swimming pools, trellises, plantings, and lighting.

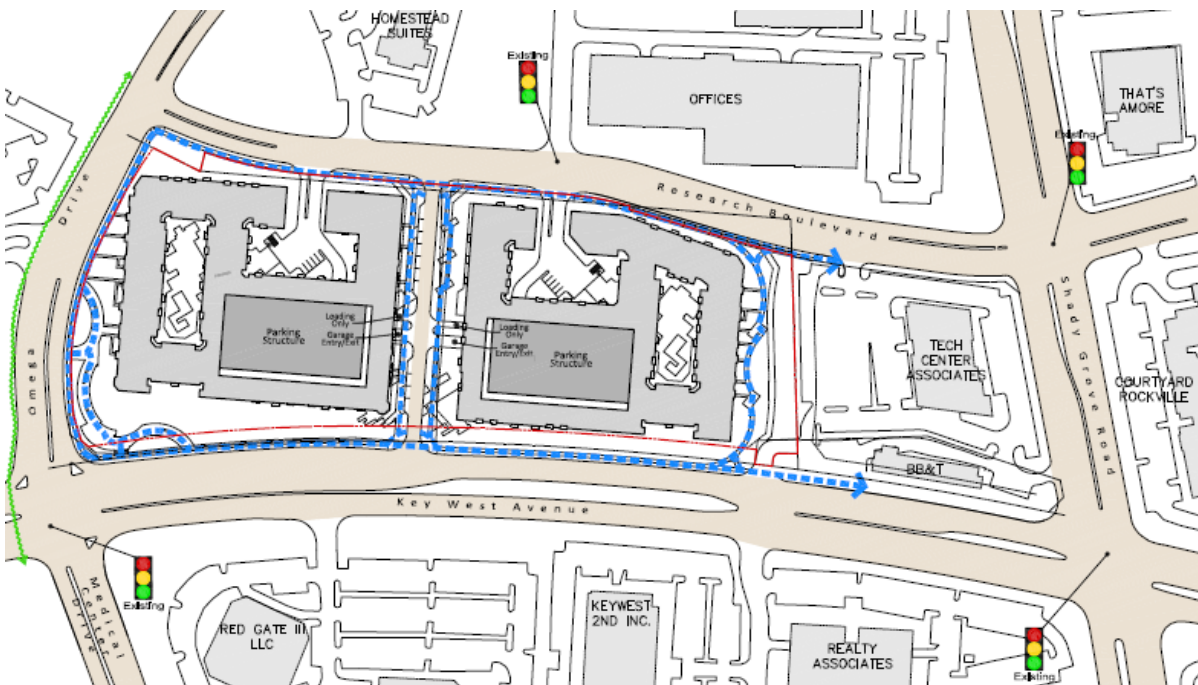


Open Space System

Vehicular access to the site is limited to two entrances for each building: to the garage and loading areas from the new master-planned Road B-9 and to the garage and visitor parking area from Research Boulevard. Pedestrian and bicycle access is provided at numerous points from perimeter sidewalks to individual units, the retail bays, and the main lobby entrances. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances. Most vehicular parking will be within structures with some along the western side of master-planned Road B-9 and at the main entrance lobbies.



Vehicular Circulation Plan



Pedestrian Circulation Plan

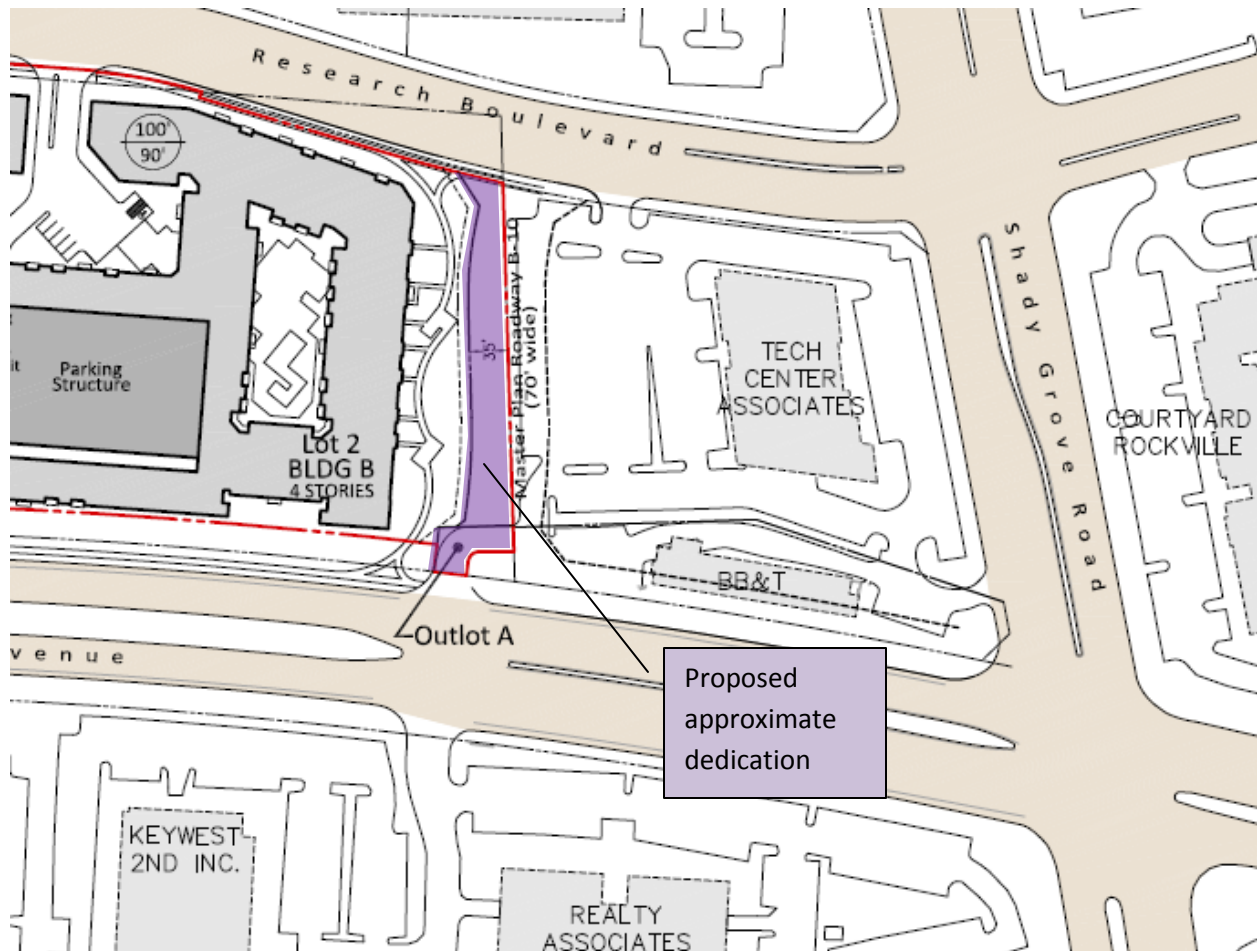
COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has received correspondence on this matter raising concerns about the plan. An initial meeting with representatives for the neighboring property owner raised objections that may be summarized:

- The mix of uses encouraged by the master plan was not provided;
- Master-planned Road B-9 was not provided;
- The through-block connection that was proposed in lieu of Road B-9 should be removed (as should any credit for incentive density).

Staff shared many of the concerns raised during this meeting and advised the Applicant to make a number of changes in the Staff comments delivered to the Applicant at the September 6 Development Review Committee meeting. The Applicant subsequently revised the plan to provide and remove, respectively, each of the items requested.

Subsequent to the plan revisions, representatives of the neighboring property owner (Tech Center Associates) provided Staff with two letters and an analysis detailing a further request: that all dedication for master-planned Road B-10 be shifted west onto the subject property.



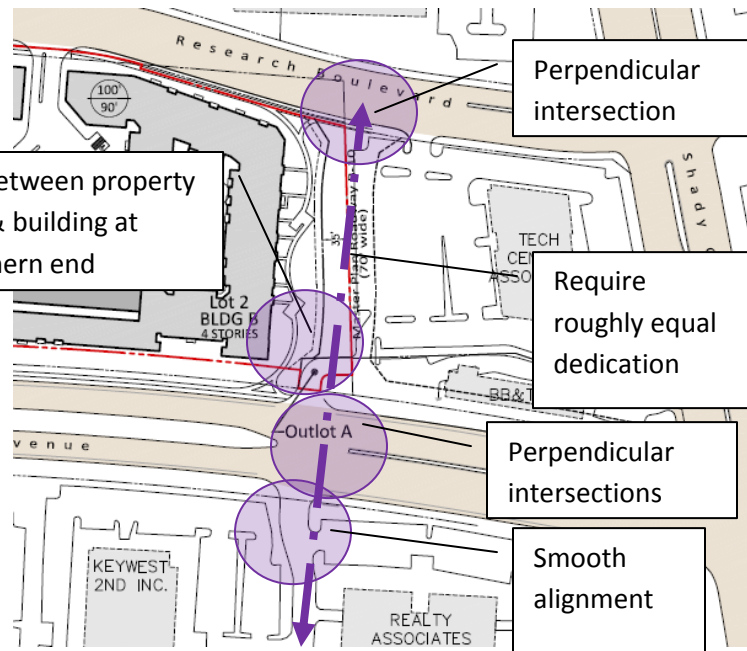
Detail Showing Approximate Dedication for Master-Planned Road B-10

In support of this request, the analysis provided by Tech Center Associates asserts that:

1. If the proposed alignment were to tie into the existing curb cut and median break:
 - a. Road B-10 will curve too close to the intersection with Key West Avenue;
 - b. The roadway width cannot safely accommodate vehicles;
 - c. The roadway cannot meet the design standards for travel and parking lanes;
2. If the proposed alignment were straightened and a new curb cut and median break was established:
 - a. Road B-10 will not align with the median break and entrance across Key West Avenue; and
 - b. The new curb cut required to straighten B-10 would be too close to Shady Grove Road.

Staff considers the problems associated with the first scenario as unlikely to occur because a safe and equitable solution would require proper straightening and construction of a new curb cut and median break. Thus, the problems that need to be addressed are those associated with scenario two. While the details of volume counts, queuing, site distance, and final dedication are determined at preliminary plan review, it is important to ensure that a “best fit” is not precluded at this point.

Regarding alignment, the best fit would seem to do two things: align as close to perpendicular as possible to Research Boulevard and Key West Avenue and to remove the kink out of the drive to the south across Key West Avenue in order for B-10 to function as a proper business district street. Thus the rough center-line of the future road alignment might look like the purple line in the illustration. It is historically the practice of this Department to split new roadways whenever possible equitably between abutting properties. In this case, a new alignment such as the one depicted would be roughly equitable although angled taking more and then less from each property around a midpoint requiring an average of about 35 feet in dedication from each property.



Regarding safe distances, Staff does not agree that the intersection of B-10 and Key West Avenue should be at least 500 feet from the intersection of Key West Avenue and Shady Grove Road. While intersection spacing in a suburban environment is usually around this distance, the goal of the Sector Plan is to create a more pedestrian-oriented environment with a smaller street grid. Typically, these environments encourage small blocks – down to 300 feet. The roughly 400 feet proposed by the Application is more than many urban situations and is an accurate estimation of the alignment recommended by the Sector Plan. Further, because the intersection of Shady Grove Road and Key West Avenue will be required to be improved by any new development (due to its “failing” status), these issues can be considered more holistically. At this conceptual phase of review, it is not

recommended that the dedication of B-10 be shifted, only that no buildings or structures be designed within 70 feet of the property line within the southernmost half of this frontage.

To ensure a proper solution can be found and to maintain an existing access point for the neighboring property, the Applicant would, at the time of Preliminary Plan review:

- Finalize the proper alignment of Road B-10;
- Place the finalized right-of-way into a reservation for dedication;
- Enter into a covenant to pay for the construction of a pro-rata share of Road B-10; and
- Create an outlet over an existing access easement through the area to be dedicated that will be extinguished when the road is fully dedicated for construction.

Although beyond the scope of Sketch Plan review, this approach has been discussed and supported by Staff as an alternative to review in more detail under the requirements of the Subdivision Regulations during preliminary plan review.

At a presentation of the project by the Applicant to the GSSC Implementation Advisory Committee, 3 primary issues were raised:

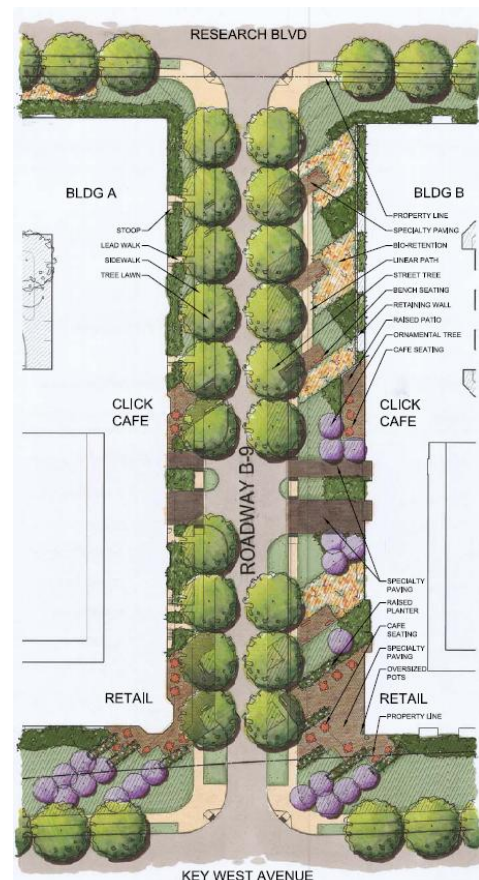
- Show how the project provides connections to other properties, sidewalks, trails, and paths and the locations of bicycle facilities;
- Show how the streetscape will be treated to ensure compatibility and minimize the footprint by building taller; and
- The Committee supports the construction of roads that will provide a street grid.

A fourth comment was put forth by members of the committee but that was not supported by the entire committee:

- Provide more retail space for neighborhood services.

To address these comments, the Applicant has provided an illustration showing sidewalks, paths, etc within proximity to the site. The streetscape is only conceptual at this point, but will provide trees, lighting, ample sidewalks, and amenities. Each frontage, however, will be treated differently due to the distinct nature of each road. Details of these treatments will be provided and analyzed during site plan review.

While retail space is encouraged by the Master Plan, there is not, as of yet, a significant market that would support this. That said, the Applicant is planning on provision of three or four retail bays to ensure that at least ten basic services are within ¼ mile of the site. If the market is stronger than expected after the first building is completed, retail in the second building may be increased. This flexibility is built into the approval limits on residential and commercial density.





LEGEND

- | | | | | | |
|--|--|--|----------------|--|-----------------------|
| | Master Plan Corridor Cities
Transitway and Stations | | Corridor Limit | | Bus Stop/ Route
#s |
| | LSC Loop | | Sidewalks | | |
| | | | Bike Path | | |

Connectivity Exhibit

PROJECT ANALYSIS & FINDINGS

Under 59-C-15.43(c), “In approving a Sketch Plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan.”

1. *The sketch plan must meet the objectives, general requirements, and standards of this Division [59-C-15];*

The sketch plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the proposed development will:

- “Implement the policy recommendations of the applicable sector plan” by providing the residential uses, service amenities, pedestrian circulation routes, public roads, and public benefits encouraged by the sector plan;
- “Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses” by replacing the vacant office building and surface parking lots with a residential building, structured parking, and ancillary retail;
- “Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities” by providing additional affordable housing, a mix of multi-family unit types, density within ½ mile of three proposed CCT stations, access to the LSC recreation loop, basic-service retail space, and public open space and streets;
- “Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors” by building within the envelope established by the CR zone with a mix of uses at a scale of development similar to existing and allowed buildings adjacent to the site, which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones; and
- “Provide public benefits that will support and accommodate density above the standard method limit” through the public benefits listed within these Findings that meet the requirements of the Ordinance and standards of the Implementation Guidelines.

The sketch plan meets the general requirements of Section 59-C-15.6; specifically, the proposed development will:

- Be substantially consistent with the GSSC Master Plan, as detailed in Finding #2 below, and substantially conform to the GSSC Design Guidelines;
 - Create public use spaces that allow for active and passive recreation; are visible and usable; have a strong relationship to adjacent retail, amenity space, and the pedestrian network; and are not separated by barriers (design guidelines, page 13);
 - Provide a new business district street with wide sidewalks, street trees, lighting, amenities, and parallel parking (design guidelines, pages 14 & 44);
 - Provide buildings as close to property lines as grades and easements allow with access from units and retail to perimeter sidewalks (design guidelines, pages 22 & 45);
 - Provide design excellence with innovative building materials and style via further development through the site plan process (design guidelines, page 27); and

- Placing parking within a structure faced with residential and retail uses (design guidelines, pages 18-19).
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan; and
- Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.

The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<i>Development Table for the CR1.5 C1.5 R1.5 H100 Zone</i>		
Development Standard	Required/Allowed	Proposed
Max. Density (FAR)		
Total	1.5	1.5
Residential	1.5	Up to 1.5
Commercial	1.5	Up to 10% of gross floor area
Max. Height (feet)		
	100	90
Setbacks		
	n/a	n/a
Min. Public Use Space (% of net lot)		
	10	10
Min. Residential Amenity Space		
Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf

2. *The sketch plan must further the recommendations and objectives of the applicable master or sector plan;*

The Great Seneca Science Corridor Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the proposed development will:

- Provide mixed-use infill with residential uses and pedestrian-oriented local retail facilities (page 48);
- Provide public benefits that improve connectivity and mobility, through construction of master-planned Road B-9 and provision of basic retail services, open space and pedestrian-realm improvements, and add to the diversity of uses and activities, through construction of affordable housing above the minimum required, open space and new uses (page 48);
- Provide a finer grid and improve vehicular and pedestrian connections, through construction of master-planned Road B-9 and improvements to the sidewalks along each of the property’s frontages (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).

3. *The sketch plan must achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses ;*

The buildings and open spaces are compatible with existing nearby buildings, open spaces, and uses; no proposed development is in the pipeline on adjacent properties. This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets;
- Addition of a complimentary mix of uses; and
- Strong definition of blocks that will also begin to transform the suburban, auto-oriented framework of land use in the area.

4. *The sketch plan must provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all enhanced by the proposed development. Specifically, this sketch plan provides:

- A finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic;
- Off-street loading areas for the residents on a newly constructed business district street alleviating congestion from Research Boulevard or Key West Avenue;
- Access to the main residential lobbies at existing traffic signals or mid-block at the safest points feasible;
- Increased parking for bicycles;
- Improved sidewalks, amenities, and open spaces from pedestrians and bicyclists;
- Sufficient parking within new structures for residents and along the proposed business district street for shoppers or visitors; and
- Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for public roads, which will be finalized during preliminary plan review.

5. *The sketch plan must propose an outline of public benefits that supports the requested incentive density;*

The public benefit table proposed by the Application provides benefits that:

- “Take into consideration the recommendations, objectives, and priorities of the Master Plan” by providing the diversity of housing and basic services, general sustainability measures, and connectivity improvements that are encouraged;
- “Meet the standards of the Implementation Guidelines and Design Guidelines for the Master Plan” by providing the proper calculations and concentrating on the Guidelines’ focus on streets, design excellence, and transformation of the suburban development pattern;

- “Are appropriate for the size and configuration of the tract” by taking advantage of the large site and concentrating on open space and environmental benefits;
- “Adequately address the relationship of the project to the adjacent property” by providing open space along the proposed dedication that will work as a through-block connection if the road is not built or as future streetscape if the road is built;
- “Consider the presence or lack of similar public benefits nearby” through provision of open spaces, affordable housing, structured parking, and basic services that are lacking in this area; and
- “Provide enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit,” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Points Requested
Transit Proximity Category	
¼ - ½ mile from Level 2 CCT Station	20
Greater than 75% of the subject site is within ½ mile of a CCT Station.	
Connectivity & Mobility Category	
Neighborhood Services	10
The proposed development must provide basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Ordinance and Guidelines during site plan review.	
Diversity Category	
Affordable Housing	12
Provision of 13.5% MPDUs; 1% over 12.5% = 12 points.	
Quality Design Category	
Structured Parking	9
99% of parking within above grade structure, final points established during site plan review.	
Public Open Space	20
Provision of 13% additional open space (above the 10% required).	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Purchase/payment for BLTs: $((575,787\text{sf incentive density} \times 0.05) / 20,000) = 1.44$ BLTs	
Tree Canopy	10
Coverage of 25% of on-site open space with tree canopy at 15 years of growth.	
Cool Roof	10
All non-vegetated roofs with a slope at or below 2:12 must have a minimum solar reflectance index (SRI) of 75; those flatter must have a minimum SRI of 25.	
Total	106

6. *The sketch plan must establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The proposed development may be built in two phases. Either of the phases will require construction of master-planned Road B-9 and completion of public benefits that are generally

proportional to either building. Approximately one-half of the open space, affordable housing, structured parking, neighborhood services, design elements, tree canopy, cool roof, and BLTs is required by whichever building is completed first. Likewise, any streetscape improvements and uses will be basically equally shared by any phasing plan. Thus, no particular provisional phasing plan is required at this stage of design; a full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

APPENDICES

- A. Agency Letters
- B. Correspondence



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 14, 2011

Mr. Patrick Butler, Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Sketch Plan No. 320120010
Mallory Square

Dear Mr. Butler:

We have completed our review of the September 20, 2011 revised sketch plan for this project. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, transit facilities, etc.) on the preliminary plan.
2. Necessary dedication for Key West Ave (MD 28), Research Blvd, Omega Drive, and master planned business district roads H (B-9) and I (B-10) in accordance with the master plan. Also provide standard truncation at all public road intersections.

Subsequent to the September 12, 2011 follow-up meeting between the applicant and staff, we have revisited the applicant's request to not dedicate master planned road I (B-10). We understand the practical difficulties posed by the existing lot lines. Nevertheless, we believe the intent of the Sector Plan is clear: a mechanism should be established to implement this construction when feasible. We recommend dedication and a Declaration of Covenants (for Road Construction) be required as a condition of sketch plan approval.

Variations from the minimum right-of-way widths and/or pavement widths (or deviation from a specific MCDOT Design Standard) specified in the approved Sector Plan should be considered to be amendments to the Master Plan. As such, they should be vetted through a public process and approved by the Planning Board (if not the County Council). Where such proposals will impact multi-modal transportation operations and safety, Executive Branch staff (such as MCDOT, MCDPS, MCFRS) will offer appropriate comments.

Division of Traffic Engineering and Operations

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3. Master Planned Road H (B-9) is to be constructed per MCDOT Context Sensitive Design Standard no. 2005.01 per the criteria discussed in the master plan.
4. Grade establishments for all new public streets. Tentative profiles are to be submitted with the preliminary plan.
5. Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
6. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
7. Show the location of proposed driveways on the preliminary plan. We support site access through Master Planned Road H (B-9).
8. At the preliminary plan stage, submit a completed, executed MCDOT Sight Distances Evaluation certification form, for all existing and proposed site entrances onto County-maintained roads, for our review and approval. We agree to allow site access onto Research Boulevard provided it will not unacceptably compromise traffic operations and safety.

NOTE: we are in the process of adopting AASHTO Intersection Sight Distances procedures as our criteria for sight distances studies and revising our certification form accordingly; we recommend these analyses be prepared in accordance with the AASHTO protocol.

9. Improvements in the public rights-of-way will need to comply with Executive Regulation No. 31-08AM ("Context Sensitive Road Design").

The preliminary plan submission should address how this Executive Regulation has been satisfied – particularly with respect to target speeds, typical sections for the existing and proposed public streets, locations of existing and proposed public utilities, and stormwater management within the public rights-of-way.
10. At the preliminary plan stage, submit the following traffic information (even if a Local Area Transportation Review/Policy Area Mobility Review Study is not required for this project):
 - projected peak hour inbound and outbound traffic volumes at each of the proposed site entrances
 - projected turning movement volumes and queuing analyses along proposed road H (B-9).
11. At the preliminary plan stage, submit a DRAFT Traffic Mitigation Agreement for review. The trip reduction elements should be coordinated with Ms. Sandra Brecher, Chief of our Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.


We believe the trip reduction measures in this Agreement and the preliminary plan should include:

- Design building lobbies to provide two way visibility for transit or shuttles.
 - Minimize the number of parking spaces provided on-site. The applicant should be encouraged to take advantage of the shared parking provisions in the Zoning Ordinance to reduce the total amount of parking and provide for efficient of parking facilities.
 - Ensure existing bus stops and their access will remain.
 - Carpool/Vanpool and Car Sharing Parking. Provide adequate numbers of carpool/ vanpool and car sharing parking spaces in highly visible, preferentially-located spots.
 - Electric Car Charging. Provide at least two electric car charging stations on-site for each development.
 - Ensure port-cocheres have adequate height to accommodate buses and shuttles.
12. Access and improvements along Key West Ave (MD 28) as required by the Maryland State Highway Administration.
13. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks/bike paths are required to serve the proposed subdivision. In this case, the bike path to be provided on along the site frontage on Omega Drive (LB-1, dual bikeway) should comply with MCDOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency. Also Retain the Key West Ave bike path (DB-43) and sidewalk on Research Blvd.
14. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Road I (B-10), whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. Participate in the Life Sciences Center projects Road Club for off-site intersection improvements.
16. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
18. On the preliminary and site plans, delineate the location and dimensions of the proposed truck loading and dumpster spaces. Truck loading space requirements are to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
20. At the preliminary plan stage, submit a truck circulation for review by the M-NCPPC, MDDOT, and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and a left-side backing maneuver. Passenger vehicle travelways should be separated from the expected truck circulation patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.

Mr. Patrick Butler
Sketch Plan No. 320120010
October 14, 2011
Page 4

21. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:
- A. Improvements to the public right of way will be determined at the preliminary plan stage based on a review of the additional information requested earlier in this letter.
 - B. Enclosed storm drainage and/or engineered channel in all drainage easements.
 - C. Underground utility lines along new roads.
 - D. Street lights.
 - E. Street trees.
 - F. Permanent monuments and property line markers.

Thank you for the opportunity to review this sketch plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi, our Development Review Area Engineer for this part of the County, at (240) 777-2197 or sam.farhadi@montgomerycountymd.gov.

Sincerely,

Gregory M. Leck, Manager
Development Review Team

m:/subdivision/farhas01/sketch plans/ 3-20120010, Mallory Square, FINAL.doc

cc: Margaret Smith Ford; Woodfield/ Meridian Shady Grove, LLC
Les Holmes; BNA
Bill Landfair; VIKA
Ian Duke; VIKA
Scott Wallace; Linowes & Blocher
Khalid Afzal; M-NCPPC Area 2
Josh Sloan; M-NCPPC Area 2
Edward Axler; M-NCPPC
Catherine Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Bob Simpson; MCDOT DO
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September 12, 2011

Mr. Joshua Sloan
Area 2 Planning Team
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20901

Re: Sketch Plan Application No. 320120010,
"Mallory Square"

Dear Josh:

Subsequent to our meeting with you and your colleagues September 1st to discuss the above-referenced application, we noted on the Applicant's Sketch Plan the alignment of Master Plan Roadway B-10, a subject that we did not discuss during our meeting.

In particular, it appears that the location of B-10 as shown on the Sketch Plan, running between Key West Avenue and Research Boulevard, is not in alignment with an existing median break on Key West Avenue nor with a driveway located on the south side of Key West Avenue from office development found in that quadrant of the intersection. Indeed, it appears that the alignment of B-10 shown on the Sketch Plan, which straddles the common property line between the properties of the Mallory Square applicant and our client, was "pushed" to the east in order to require our client to provide part of the 70 foot right-of-way for B-10 but, more particularly, in order to expand the buildable area within the "Mallory Square" project.

Map 22 ("LSC North: Urban Form" Master Plan, page 48) and Table 4 ("Street and Highway Classifications, page 84") of the Master Plan does not prescribe a specific location for roadway B-10. Accordingly, the proper transportation planning technique would be to line up B-10 with existing improvements, such as the driveway on the south side of Key West Avenue and the center line of the existing median break in Key West Avenue. I enclose a letter from a traffic engineer engaged by our client to review the Mallory Square project, with particular regard to traffic circulation and the proposed public streets. The memorandum from Symmetra Design confirms that B-10 is not located in accordance with standard transportation planning principles.

On behalf of our client, we request the following:

1. That Staff recommend against approval of the Mallory Square project in its present form.
2. That Staff require that the right of way for B-10 be relocated so that half of the right-of-way is no longer located on our client's property.
3. That Staff require that the Applicant recalculate the net lot area that is available for redevelopment after relocation of the alignment of B-10 so that it is entirely located within the boundaries of the original BNA property.

Thank you for your consideration of these requests on behalf of the adjacent property owner.

Very truly yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody". The letter "J" is large and stylized, with a horizontal line extending from its top bar across the width of the signature.

Jody S. Kline

JSK:cdp

Enclosure

cc: Steve Findley
Shahriar Etemadi
Ed Axler
Jim Soltesz
Steve Tawes
Nicole White
Scott Wallace, Esquire



symmetra design

MEMORANDUM

TO: Jody Kline – Miller, Miller & Canby

FROM: Kelvin Robinson
Nicole White, P.E., PTOE

DATE: September 12, 2011

Re: Sketch Plan Application No. 320120010 – Alignment of Master Plan Roadway B-10

The following memorandum outlines safety, operational, and design-standard issues associated with the proposed alignment of the business district street B-10 as illustrated in the June 17, 2011 Mallory Square Sketch Plan. The proposed alignment would result in the following issues:

1. Unsafe curve close to Key West Avenue intersection - As shown in the Sketch Plan, B-10 would be aligned with an unsafe curve approximately 45 feet north of its intersection with Key West Avenue. The curve would likely limit sight-distance and would also potentially impact operations on Key West Avenue. This could result in the potential for rear-end accidents as motorists access the site around the curve.
2. Unsafe reduction in roadway width - The alignment of B-10 shown on the sketch plan application depicts a 70-foot wide roadway cross section that reduces to a 35-foot cross section at its intersection with Key West Avenue. It is not clear how the abrupt reduction in width, particularly so close to the Key West Avenue intersection, could safely accommodate vehicles.
3. Roadway does not meet design standards – As shown in the Great Seneca Science Corridor Master Plan (June 2010), B-10 is planned to have a 70-foot right-of-way with 2 travel lanes and parking on both sides. This design at the intersection would not conform to the design standard (2005.02) that is required for this roadway.

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Each of the issues outlined above are a result of the proposed alignment of B-10 and the associated shift or transition that is necessary in order to tie into the existing current curb cut and median break. The following additional issues would result if the Sketch Plan were revised to eliminate the unsafe curve by creating a straight alignment throughout the entire segment and a new curb cut on Key West Avenue:

1. Roadway would not align with median break and entrance across Key West Avenue - If a straight 70-foot cross section were maintained in its currently proposed location throughout the entire segment on the site (instead of with the unsafe curve as currently shown) then it would be misaligned with the existing median break along Key West Avenue and with the entrance to the office park area across Key West Avenue.
2. New curb cut location would be located at an unsafe distance from Shady Grove Road – A new intersection on Key West Avenue at the current location of the B-10 alignment would be located too close to the Shady Grove Road intersection. Furthermore, the intersection of Key West Avenue and Shady Grove Road is planned to be upgraded to an urban diamond, grade-separated interchange per the Great Seneca Science Corridor Master Plan (June 2010) and Key West Avenue is planned to have eight through travel lanes at its intersection with B-10. The B-10/Key West Avenue intersection should be no closer than 500 feet from the interchange in order to provide safe maneuvers for traffic weaving from the diamond ramp onto Key West Avenue and traffic exiting Key West Avenue to B-10. The depicted alignment would place this new intersection at a potentially unsafe distance approximately 400 feet from the Shady Grove Road/Key West Avenue intersection/proposed interchange.

In light of these issues, it is recommended that the entire segment of B-10 be aligned such that the easternmost edge is consistent with the easternmost edge of the existing entrance. This would require the depicted alignment of B-10 to be adjusted westward.

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October 19, 2011

Mr. Joshua Sloan
Area 2 Planning Team
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20901

RE: Sketch Plan Application No. 320120010,
"Mallory Square"

Dear Josh:

Our client, Shady Grove Tech Center Associates Limited Partnership, the owner of the property located at 15200 Shady Grove Road adjacent to the "Mallory Square" property, would like to submit the following comments on the "Mallory Square" sketch plan application. Shady Grove Tech Center Associates' comments are based on plans filed with M-NCPPC on September 20, 2011. I believe that the applicant will be filing revised plans with M-NCPPC and our client is concerned that it will not have an adequate amount of time to review and comment on those plans before your Staff Report is published next Monday. Unfortunately, we are, therefore, restricted to submitting comments on plans that are going to be superseded.

On the plans submitted on September 20th, there are two major problems with the roadway labeled B-10. They are:

1. The centerline of B-10 does not line up with the centerline of the driveway on the south side of Key West Avenue.
 - A. At DRC, the applicant was told to "line-up" the two roadways. This task has not been accomplished.
2. Because B-10 is misaligned, part of the roadway is shown to be located on our client's property, a property that is already platted and will not be the subject of resubdivision (and voluntary dedication) in the future.

Steve Findley and Patrick Butler have heard the following comments regarding compliance of the sketch plan with the Great Seneca Science Corridor Sector Plan per Section 59-C-15.2 and 59-C-15.4(c)(1) of the Zoning Ordinance:

- A. The subject property is located in the LSC North District.
- B. The GSSC Sector Plan stresses that new development should occur in close proximity to CCT stations. Examples of such recommendations include:
- “• Align the Corridor Cities Transitway (CCT) through the LSC and provide four transit stations that will be the focal point of new development in the LSC North, Central, West and Belward Districts.” (Plan, p. 9).
 - “• Concentrate density, building height, and civic green space at the CCT stations....” (Plan, p. 9).
 - “• The LSC will be part of a continuum of communities linked by the CCT, enabling people to live and work within the corridor and get where they need to go by transit.” (Plan, p. 25).

The former BNA site is not in close proximity to a CCT station, the areas where “new development and redevelopment is expected....” (Plan, p. 22). Map 9 in the Plan shows that the BNA property is well beyond the 1/4th mile convenient walking radius to the closet CCT station on the Danac property. Therefore, this property does not satisfy the Plan’s goals of locating new residents in close proximity to a transit station.

C. In the GSSC Sector Plan text relating to the LSC North District, the Plan devotes much attention and language towards higher residential and employment intensity on the Danac property due to its adjacency to the CCT station, a development scenario that the Plan champions.

D. With regard to the subject property, the text of the Sector Plan is very specific and very clear:

“The Plan encourages mixed use infill for the Shady Grove Executive Center and Bureau of National Affairs sites.... Residential uses are encouraged, as are pedestrian-oriented local retail facilities that are compatible with and provide convenience for residents. Public benefits that improve connectivity and mobility or add to the diversity of uses and activity are encouraged.” (Plan, p. 48, emphasis added).

The Sector Plan recommends mixed use for the BNA property and emphasizes that local retail and service uses should be incorporated in a new development proposal, presumably to off-set the disadvantages of new residential development distant from a CCT station. The current plans available in M-NCPPC’s files show nothing but residential use in the Mallory Square proposal. The applicant has indicated an intention to incorporate some retail uses within its project but the square footages suggested represent a token offering of those convenience uses that the Sector Plan urged should be present.

In the opinion of Shady Grove Tech Center Associates Limited Partnership, the "Mallory Square" project does not meet the requirements of Sections 59-C-15.2 and 59-C-15.4 because (a) the project does not conform with the specific language of the Sector Plan; (b) it does not comply with the spirit and intent of the Sector Plan by failing to propose mixed-use development that provides benefits to residents and workers in the area; and (c) it violates transportation planning design principles. For these reasons, the "Mallory Square" sketch plan application should be denied or should be deferred for revision to (i) incorporate a meaningful retail/service component and (ii) realign Street B-10 to line up with the centerline of the existing driveway located on the south side of Key West Avenue.

Thank you for your consideration of these comments on behalf of the adjacent property owner.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody". The signature is written over a horizontal line that has a small arrowhead pointing to the right at its end.

Jody S. Kline

JSK/dlt

cc: Steve Findley
Patrick Butler
Steve Tawes
Nicole White
Scott Wallace, Esquire