STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: June 4, 2008

REZONING: **Z-308(o)**

TITLE: **REZONING OF THE DIAMOND HOUSE AND DIAMOND ACRES PROPERTIES FROM R-20 (MEDIUM DENSITY RESIDENTIAL) ZONE TO CBD (CENTRAL BUSINESS DISRICT) ZONE**

REQUEST: **RECOMMENDATION TO M&C**

ADDRESS: 1 WATER STREET & 49 WEST DIAMOND AVENUE

ZONE: R-20 (MEDIUM DENSITY RESIDENTIAL)

Applicants: Keystone Real Estate Investments, LLC

Engineer: Loiderman Soltesz Associates

Architect: Donnally Vujcic Associates

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Analysis
Exhibits List and Exhibits Marked in bold.

STAFF COMMENTS

See attached Staff analysis.

Joint Public Hearing
Mayor & City Council
Planning Commission
April 21, 2008

Z-308(o)
Residences at Olde Towne

1. Application
2. **Site location map**
3. List of adjoining and confronting property owners
4. **Boundary Survey**
5. Exhibit "A" Wells Property
6. Exhibit "B" Part of Patent Certificate 476
7. **Statement in Support of Rezoning Application**
8. Form of Declaration of Covenants
9. **Preliminary Unit Mix for Residences at Olde Towne**
10. **Concept site plan**
11. **Concept landscape plan**
12. **Preliminary Forest Conservation Plan & Details**
13. Illustrative layout plan
14. **Illustrative proposed architectural elevations**
15. Garage and Floor Plans (7 pages)
16. **Community Facilities Exhibit**
17. **Nearby Ride-On Bus Routes for Residences at Olde Towne with attached Route Maps**
18. **Analysis of Students Generated by Residences at Olde Towne**
19. **2003 Master Plan Land Use Element Map Designation #9**
20. Map showing surrounding zoning

21. Public Hearing notice, sent March 30, 2008, to required parties

22. Notice to include legal ad for Joint Public Hearing, in the April 2 and 9, 2008, issues of the *Gaithersburg Gazette*

23. LEED for New Construction Registered Project Checklist, dated September 5, 2007

24. Natural Resources Inventory (NRI), approved September 6, 2007

25. Letter (with attachments) from Glenn Cook, of The Traffic Group, to Ollie Mumpower, Engineering Services Director of the Department of Public Works, Park Maintenance and Engineering (DPWPM&E), dated September 13, 2007

26. Environmental Noise Measurement, Exterior Noise Measurement, and Preliminary Interior Noise Assessment, dated September 13, 2007

27. Traffic Impact Analysis (TIS) for Residences at Olde Towne, dated October 17, 2007

28. Letter from Greg Ossont, Director of the Planning and Code Administration, to Greg Cooke, of the Maryland State Highway Administration (SHA), dated November 2, 2007

29. Letter from Steven Foster, of the SHA, to Greg Ossont,, dated December 3, 2007

30. Preliminary Forest Conservation & Landscape Plan Review comments, dated December 11, 2007

31. Comments to Jacqueline Marsh, Planner, received from Wayne Black of Washington Suburban Sanitary Commission (WSSC), dated December 13, 2007

32. Revised TIS for Residences at Olde Towne, dated January 23, 2008

33. Sight Distance Plan, dated February 2, 2008

34. Montgomery County Department of Public Works and Transportation Department of Permitting Services Sight Distance Evaluation, dated February 6, 2008

35. E-mail from Ollie Mumpower, to Jacqueline Marsh, dated February 13, 2008

36. Memorandum to Steve Foster, of the SHA, from Wes Guckert, of the Traffic Group, dated February 14, 2008

37. Letter from Theresa Polizzi, of Loiderman Soltesz Associates, Inc. (LSA), to Steven Foster, dated March 10, 2008

38. Letter from Steven Foster, of SHA, to Greg Ossont, dated March 12, 2008

39. Transmittal from Theresa Polizzi, of LSA, to Steven Foster, of the SHA, dated March 20, 2008

40. **State of Maryland Department of Transportation State Highway Administration State Roads Commission, Plat No. 57622**

41. **Letter from Stephen Tawes, of LSA, to Eli Golfer, Environmental Specialist, dated March 25, 2008**

42. **Wildlife Management Report, received March 27, 2008**

43. Letter from Jacqueline Marsh to Bruce Crispell, of Montgomery County Public Schools (MCPS) dated March 28, 2008

44. **Comments to Jacqueline Marsh, received from Wayne Black of WSSC, dated April 7, 2008**

45. **Maximum Occupants Table**

46. **E-mail to Jacqueline Marsh, from Rich Koch, of Keystone REI, dated April 15, 2008, indicating green space and building coverage percentages**

47. **Garage and Floor Plans, received April 15, 2008**

48. **Illustrative Layout Plan, received April 16, 2008**

49. **E-mail from Eli Golfer, to Stephen Tawes, dated March 28, 2008**

50. **Preliminary Forest Conservation & Landscape Plan Review comments, dated March 28, 2008**

51. **E-mail correspondence between Eli Golfer and Nick Baker, of LSA, dated April 9-15, 2008 (with attachment)**

52. **E-mail from Rich Koch to Jacqueline Marsh, dated April 18, 2008**

53. **E-mail from Rich Koch to Jacqueline Marsh, dated April 21, 2008, with attachments:**
    53a.: Photograph of intersection of Water Street and West Diamond Avenue
    53b: Proposed Rendering of intersection of Water Street and West Diamond Avenue

54. Elevation Character Study Image Board, as presented at the April 21, 2008, joint public hearing (by reference)

55. **Cover Sheet from Joint Public Hearing, April 21, 2008, Mayor and City Council meeting**

56. **Strategic Directions #1 and #5 from the 2008 Strategic Plan for the City of Gaithersburg**

57. **Identity, Redevelopment, and Housing Themes, taken from the City of Gaithersburg Master Plan Process and Overview, 2003**

58. **E-mail from rich Koch to Jacqueline Marsh, dated April 24, 2008 (with attachment)**

59. **"Higher-Density Development: Myth and Fact," published by the Urban Land Institute**

60. **E-mail from Rich Koch to Jacqueline Marsh, dated April 29, 2008 with attachments:**
    60a: Option A layout
    60b: Option B layout

61. **E-mail from John Roddy, dated May 5, 2008**

62. **Maximum density permitted by zone, City of Gaithersburg**

63. **Letter from Neville Sinclair, member of the Olde Towne Advisory Committee, dated May 3, 2008**

64. **Letter from Jody Kline, dated May 6, 2008**

65. **Memorandum from Greg Ossont, to Mayor and City Council, dated May 13, 2008**

66. **E-mail from Patrick Burke, dated May 16, 2008**

67. **Letter, as presented to the Mayor and City Council, from David Shayt, dated May 19, 2008**

68. **E-mail from Garrie Black, dated May 19, 2008**

69. **Minutes of the April 21, 2008, Mayor and City Council meeting**

70. **Letter from S.K. Shah, dated May 20, 2008**

71. **E-mail from Rich Koch, to Greg Ossont, dated May 21, 2008**

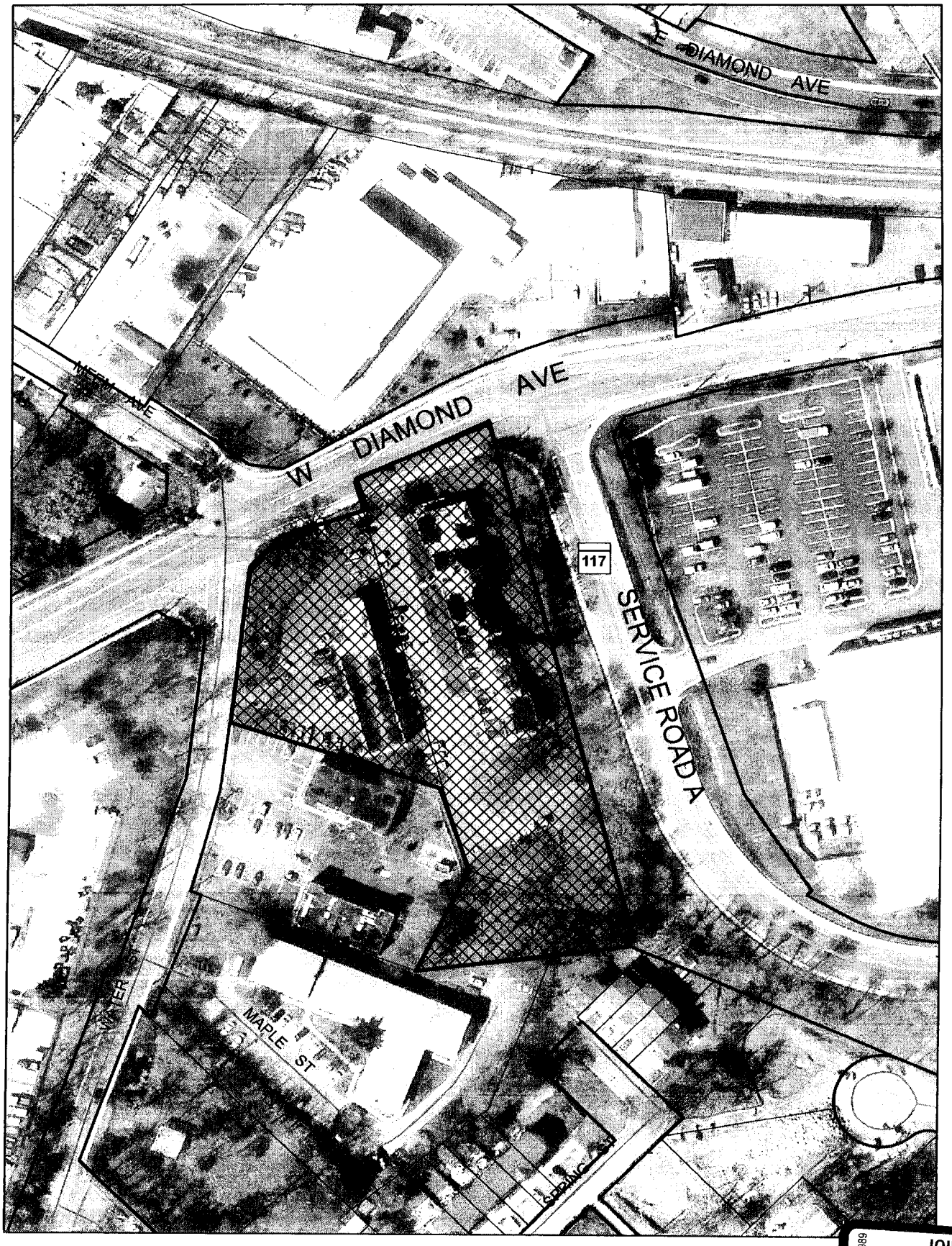
72. **Transcript of the April 21, 2008, Joint Public Hearing**

73. **E-mail from Rich Koch, to Greg Ossont, dated May 23, 2008**

74. **Revised Form of Declaration of Covenants**

75. **Staff Analysis**

Z-308(o) Site Location Map



PENGAD 800-631-6989
JOINT EXHIBIT
#2
Z-308(o)
18212-4

Residences at Olde Towne - Preliminary Unit Mix (# of units, mix, size and location are subject to change)

Typical Unit Information					Typical Building Information													
					G1 level		1st FLOOR		2nd Floor		3rd Floor		4th Floor					
Project Number of Units	Unit Name	Number of Bedrooms	Number of Bathrooms	Net Unit Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Unit Type Total	Total Unit Net Area	Percentage of total by unit types	Percentage of total by unit type
1	A1	1	1	556			1	556	1	556	1	556	1	556	4	2,224	2.09%	23.04%
2	A2	1	1	634	1	634									1	634	0.52%	
3	A3	1	1	732			2	1,464	2	1,464	2	1,464	2	1,464	8	5,856	4.19%	
4	A4	1	1	884			2	1,768	2	1,768	2	1,768	2	1,768	8	7,072	4.19%	
5	A5	1	1	880			5	4,400	6	5,280	6	5,280	6	5,280	23	20,240	12.04%	
6	B1	2	2	1,550			1	1,550	1	1,550	1	1,550	1	1,550	4	6,200	2.09%	42.93%
7	B2	2	2	1,427			1	1,427	1	1,427	1	1,427	1	1,427	4	5,708	2.09%	
8	B3	2	2	1,423			1	1,423	1	1,423	1	1,423	1	1,423	4	5,692	2.09%	
9	B4	2	2	1,263			4	5,052	4	5,052	4	5,052	4	5,052	16	20,208	8.38%	
10	B5	2	2	1,219			2	2,438	2	2,438	2	2,438	2	2,438	8	9,752	4.19%	
11	B6	2	2	1,152					3	3,456	3	3,456	3	3,456	9	10,368	4.71%	
12	B7	2	2	1,119	1	1,119	6	6,714	3	3,357	3	3,357	3	3,357	16	17,904	8.38%	
13	B8	2	2	1,044							3	3,132	3	3,132	6	6,264	3.14%	
14	B9	2	2	1,263			1	1,263	1	1,263	1	1,263	1	1,263	4	5,052	2.09%	
15	B10	2	2	1,229			1	1,229	1	1,229	1	1,229	1	1,229	4	4,916	2.09%	
16	B11	2	2	1,578					1	1,578	1	1,578	1	1,578	3	4,734	1.57%	
17	B12	2	2	1,114			1	1,114	1	1,114	1	1,114	1	1,114	4	4,456	2.09%	
18	S-1	1	1	519	6	3,114	17	8,823	18	9,342	12	6,228	12	6,228	65	33,735	34.03%	34.03%
Totals					**8**	4,867	**45**	39,221	**48**	42,297	**45**	42,315	**45**	42,315	**191**	171,015	100.00%	100.00%

JOINT EXHIBIT #9
Z-308(a)
4-21-08

PENGAD 800-631-6989

Residences at Olde Towne
Travel time by Ride On bus to Shady Grove and Rockville Metro Stations from Residences at Olde Towne

Bus Route No.	Closest Intersection	Bus* Frequency In Minutes	Minutes to Shady Grove Metro Station	Minutes to Rockville Metro Station	Minutes to Washingtonian Rio
54	Muddy Branch/W. Diamond	20	25		9
55	Cedar Ave/MD 355	15-20	6	21	
59	Muddy Branch/W. Diamond	15-20	12	28	

* Bus frequency in minutes is how often a bus on these routes stops at the intersection identified.

PENGAD 800-631-6989
JOINT EXHIBIT
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Z-308 (0)
4-10-08

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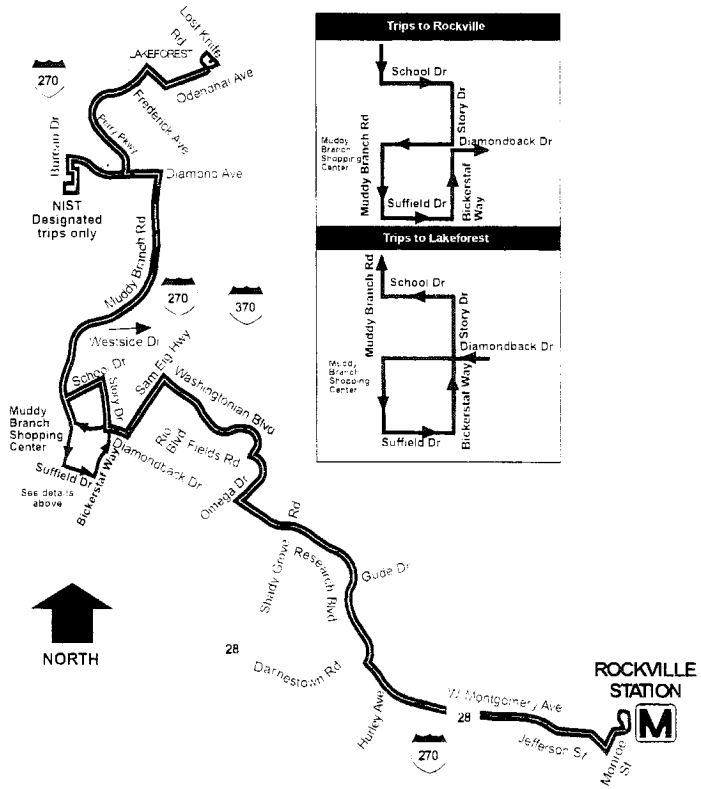

HOLIDAY SERVICE
On the following holidays, this route will operate Saturday service with additional trips:
Martin Luther King, Jr. Day, Presidents' Day, Columbus Day, Veterans Day.
See information posted on buses or Web site at www.montgomerycountymd.gov prior to these holidays.

Printed on recycled paper with soy-based ink

RIDE ON

MONTGOMERY COUNTY TRANSIT

September 3, 2006

54x

LAKEFOREST TRANSIT CTR
PERRY PARKWAY
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (DESIGNATED TRIPS ONLY)
SHADY GROVE VILLAGE
MUDDY BRANCH SQUARE CENTER
WASHINGTONIAN BLVD
RESEARCH BOULEVARD
MONTGOMERY AVENUE
ROCKVILLE STATION

Montgomery County
Department of Public Works and Transportation
Division of Transit Services
101 Monroe Street-5th Floor
Rockville, MD 20850

240-777-7433 - 240-777-5869 (TTY)
240-777-5871(Rotary)
www.montgomerycountymd.gov

Montgomery College (Germantown)	Germantown Transit Center (GTC)	Montgomery College (Rockville)	Rockville Station (East)
6:45	6:49	5:43	5:49
7:15	7:19	6:13	6:19
7:45	7:49	6:43	6:49
8:18	8:22	7:13	7:19
8:48	8:52	7:43	7:49
9:08	9:12	8:03	8:09
9:28	9:32	8:25	8:32
9:48	9:52	8:45	8:52
10:04	10:08	9:05	9:12
10:19	10:23	9:25	9:32
10:34	10:38	9:45	9:52
10:49	10:53	10:00	10:07
11:04	11:08	10:15	10:22
11:19	11:23	10:35	10:44
11:34	11:38	10:50	10:59
11:54	11:58	11:05	11:14
12:11	12:15	11:20	11:29
12:26	12:30	11:35	11:44
12:41	12:45	11:50	11:59
12:56	1:00	12:05	12:14
1:11	1:15	1:36	1:45
1:26	1:30	1:51	2:00
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1:56	2:00	2:21	2:30
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4:26	4:30	4:52	4:45
4:41	4:45	5:07	5:00
4:56	5:00	5:22	5:15
5:11	5:15	5:37	5:30
5:26	5:30	5:51	5:45
5:41	5:45	6:06	5:59
5:56	6:00	6:21	6:14
6:11	6:15	6:36	6:29
6:26	6:30	6:51	6:44
6:41	6:45	7:11	6:59
6:51	6:55	7:31	7:19
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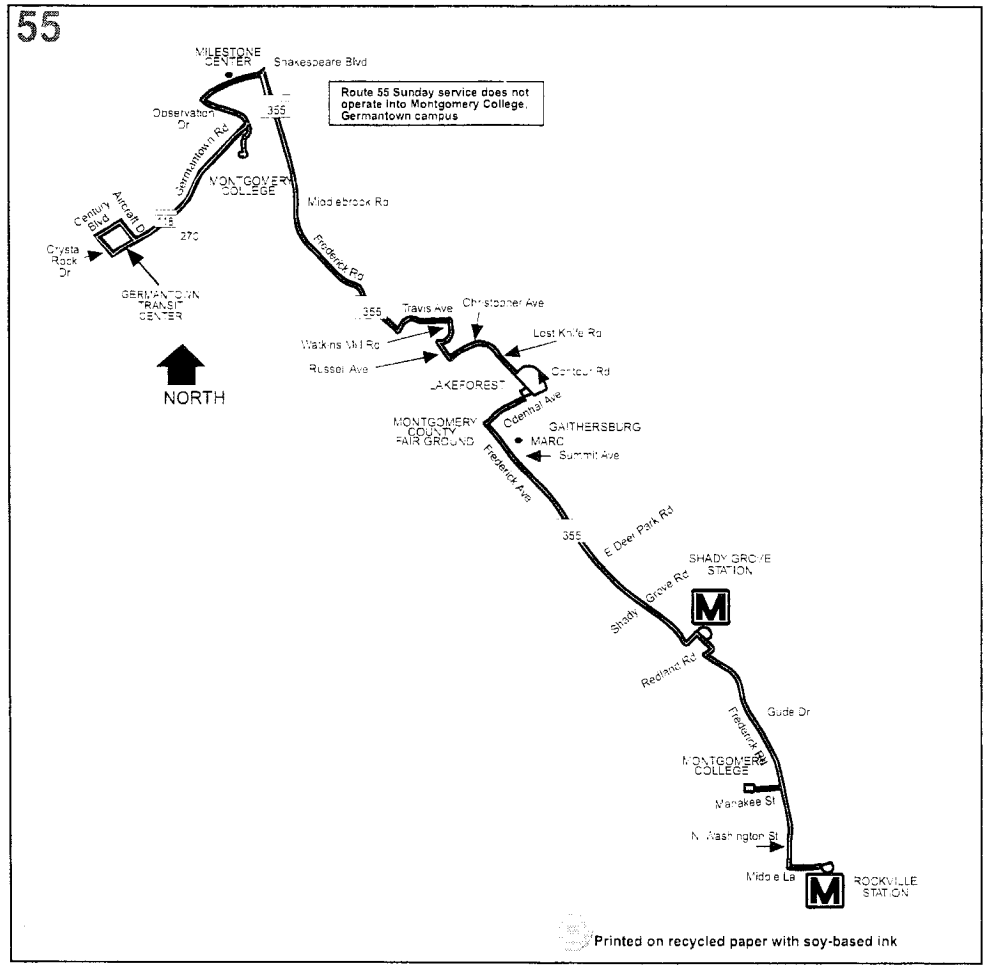
7:30	7:34	8:15	8:21
7:50	7:54	8:45	8:51
8:20	8:24	9:15	9:21
8:50	8:54	9:45	9:51
9:20	9:24	10:14	10:20
9:46	9:50	10:42	10:48
10:16	10:20	11:27	11:33
10:46	10:50	12:12	12:18
11:16	11:20		
12:01	12:05		



RIDE ON FARES

Regular Fare	$1.25
Regional One Day Bus Pass	$3.00
Senior & Disabled (with I.D. Weekdays 9:30am-3:00pm)	Free
Senior & Disabled (with I.D.)	60¢
Regional Bus Transfer (with payment of fare)	Free
Children (under 5 years old)	Free
Rail-to-Bus-Transfer (from originating station, no charge for senior or disabled rider)	35¢

Ride On Fare Media

20-Trip Ticket	$20.00
Ride About Two Week Pass	$10.00
Monthly Youth Cruiser Pass	$10.00

Kids Ride Free

Monday through Friday 2PM-7PM Elementary, Middle, and High School kids 18 and under ride free. Middle and High School students need identification card or special student pass.

Guaranteed Ride Home

When you take Metrobus, Metrorail and Ride On to work, you are eligible to participate in the free Commuter Connections Guaranteed Ride Home Program. To register and to receive program details, call Commuter Services at 301-770-POOL (7665)

RIDE ON

MONTGOMERY COUNTY TRANSIT

September 3, 2006

Trips added

55

GERMANTOWN TRANSIT CENTER (GTC)
MONTGOMERY COLLEGE (GERMANTOWN)
MILESTONE CENTER
LAKEFOREST TRANSIT CENTER
SHADY GROVE STATION
MONTGOMERY COLLEGE (ROCKVILLE)
ROCKVILLE STATION

Montgomery County Department of Public Works and Transportation
Division of Transit Services
101 Monroe Street-5th Floor
Rockville, MD 20850

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www.montgomerycountymd.gov

59 MONTGOMERY VILLAGE/LAKEFOREST TRANSIT CENTER/SHADY GROVE STATION/ROCKVILLE STATION

TO ROCKVILLE STATION

- Choice
- est Center
- Branch Rd
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- Branch Gude Dr
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- Branch Rd
- nd Ave
- & rk Rd
- & Grove Rd
- Grove (West)
- Branch Gude Dr
- e (East)

RIDE ON FARES

Regular Fare	$1.25
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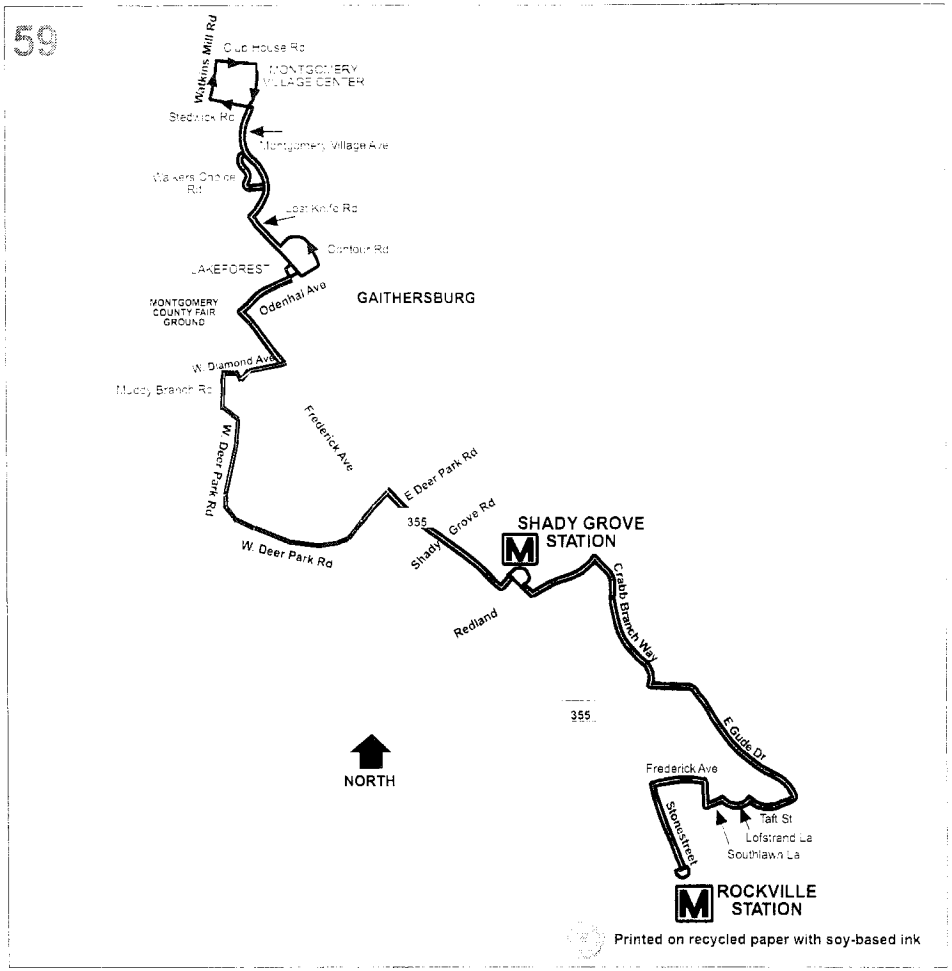
Senior & Disabled	60¢



WELCOME TO RIDE ON

RIDE ON is a community bus service operated by the Montgomery County Department of Public Works and Transportation. RIDE ON operates over 80 routes that serve all thirteen Montgomery County Metrorail stations. For detailed information, or to have timetables mailed, call the Transit Information Center at:

(240) 777-RIDE(7433)

For Accessible information call: **(240)777-5870**

TTY (for hearing impaired): **(240)777-5869**

Visit Ride On Web site at:

www.montgomerycountymd.gov

HOW TO RIDE

Check schedule for timepoint nearest your location. Wait at the blue and white RIDE ON bus stop. Arrive at least several minutes before scheduled time. Have exact fare ready (drivers do not make change).

HOW TO TRANSFER

- ***BUS TO BUS:*** Request a free transfer when paying your fare. Transfers may be used by the person to whom it is issued on any route at any stop in any direction for at least two hours past the time of arrival at the next terminal.
- ***RAIL TO BUS TRANSFER:*** The Metrorail transfer can be used with an additional 35 cents. Transfer must be from the originating station. Seniors and persons with disabilities ride free with rail transfer.

RULES OF RIDE ON

Please observe the following rules for all patrons: No eating, drinking, or smoking. Electronic devices may be played with earphones.

Please arrive at your stop a couple of minutes ahead of your bus' scheduled arrival. Since safe service is a priority at Ride On, buses may be delayed due to traffic or weather.

RIDE ON

MONTGOMERY COUNTY TRANSIT

September 3, 2006

59x

MONTGOMERY VILLAGE CENTER
LAKEFOREST TRANSIT CENTER
MUDDY BRANCH RD
WEST DEER PARK
SHADY GROVE STATION
EAST GUDE DRIVE
LINCOLN PARK
ROCKVILLE STATION

Montgomery County
Department of Public Works and Transportation
Division of Transit Services
101 Monroe Street-5th Floor
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240-777-5871(Rotary)
www.montgomerycountymd.gov

Analysis of Students Generated by Residences at Olde Towne

Montgomery County Student Generation Rates

Housing Type	Elementary	Middle	High	Total K-12
Multifamily - low rise w/structured parking	0.042	0.039	0.033	0.114

Students Generated by Residences at Olde Towne

Housing Type	No. of Homes	Elementary	Middle	High	Total K-12
Multifamily - low rise w/structured parking	191	8.02	7.45	6.30	21.77

PENGAD 800-631-6989
JOINT EXHIBIT
#18
Z-308(O)
8-31-09

Table 4: 2012-13 Test @ 105% Program Capacity

Reflects Amended FY 2007-2012 Capital Improvements Program (CIP) and MCPS Enrollment Forecast, November, 2007

Elementary School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	3,152	2,737	2,874	-278	Inadequate	Yes
Blair	3,642	3,986	4,185	543	Adequate	No
Blake	2,322	2,087	2,191	-131	Inadequate	Yes
Churchill	2,539	2,628	2,759	220	Adequate	No
Clarksburg	3,569	2,985	3,134	-435	Inadequate	Yes
Damascus	1,936	2,104	2,209	273	Adequate	No
Einstein	2,245	1,787	1,855	-390	Inadequate	Yes
Gaithersburg	3,568	3,957	4,155	587	Adequate	No
Walter Johnson	3,294	3,207	3,367	73	Adequate	No
Kennedy	2,387	1,787	1,876	-511	Inadequate	Yes
Magruder	2,558	2,542	2,669	111	Adequate	No
R. Montgomery	2,314	2,158	2,263	-51	Inadequate	Yes
Northwest	4,023	3,521	3,697	-326	Inadequate	Yes
Northwood	2,775	2,668	2,801	26	Adequate	No
Paint Branch	2,338	2,315	2,431	93	Adequate	No
Poolesville	580	754	792	212	Adequate	No
Quince Orchard	2,865	2,687	2,800	-65	Inadequate	Yes
Rockville	2,462	2,229	2,340	-122	Inadequate	Yes
Seneca Valley	2,147	2,220	2,331	184	Adequate	No
Sherwood	2,382	2,477	2,601	219	Adequate	No
Springbrook	2,742	3,156	3,314	572	Adequate	No
Watkins Mill	2,453	2,577	2,708	253	Adequate	No
Wheaton	2,537	2,168	2,274	-263	Inadequate	Yes
Whitman	2,253	2,084	2,188	-65	Inadequate	Yes
Wootton	2,852	3,083	3,237	385	Adequate	No

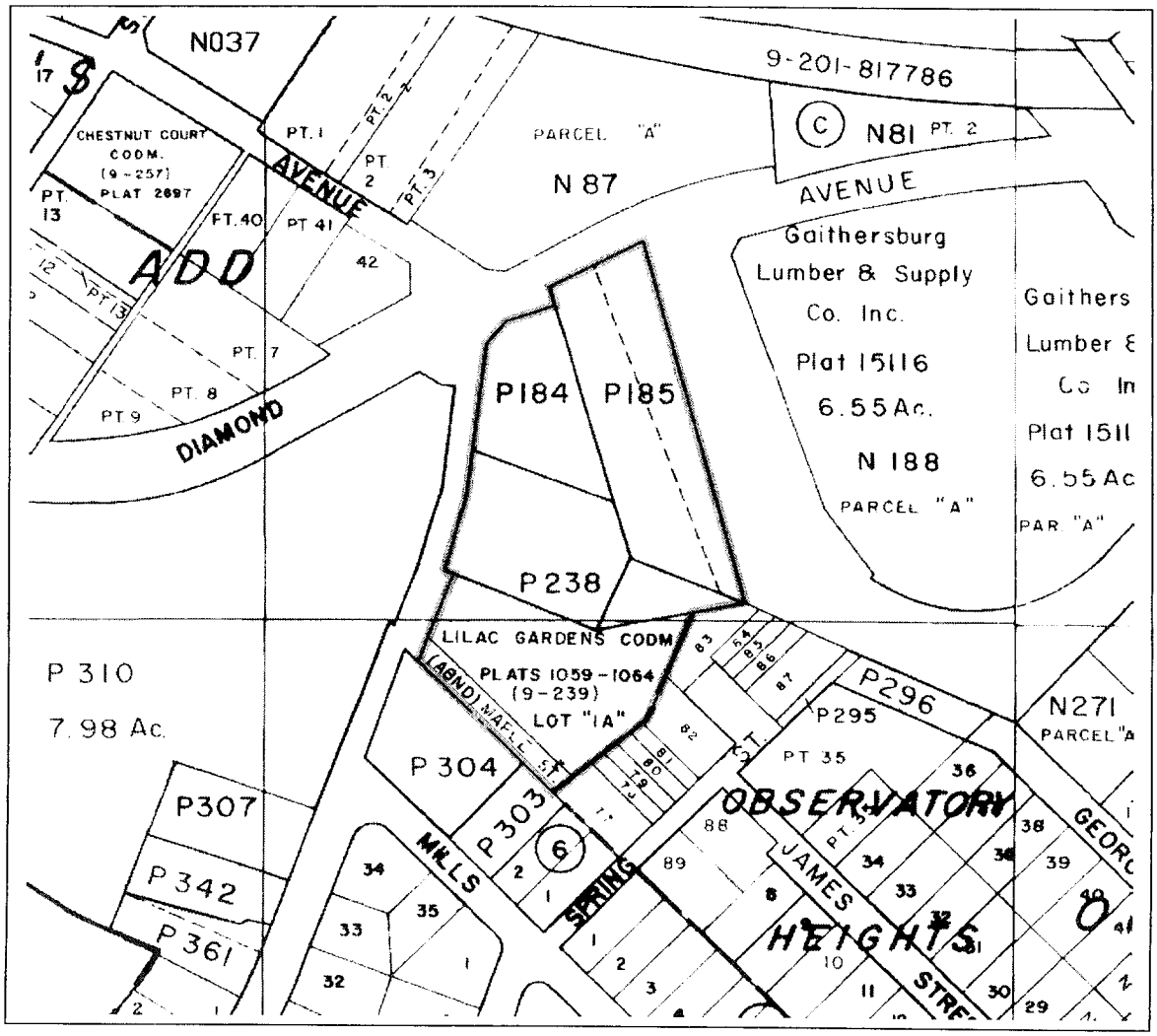
Middle School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	998	1,037	1,089	91	Adequate	No
Blair	1,866	2,253	2,366	500	Adequate	No
Blake	1,001	1,332	1,399	398	Adequate	No
Churchill	1,343	1,434	1,506	163	Adequate	No
Clarksburg	1,387	1,142	1,199	-188	Inadequate	Yes
Damascus	868	941	988	120	Adequate	No
Einstein	915	1,411	1,482	567	Adequate	No
Gaithersburg	1,348	1,800	1,890	542	Adequate	No
Walter Johnson	1,454	1,846	1,938	484	Adequate	No
Kennedy	1,133	1,445	1,517	384	Adequate	No
Magruder	1,062	1,594	1,674	612	Adequate	No
R. Montgomery	969	973	1,022	53	Adequate	No
Northwest	1,820	1,984	2,062	242	Adequate	No
Northwood	860	1,344	1,411	551	Adequate	No
Paint Branch	1,043	1,308	1,373	330	Adequate	No
Poolesville	303	472	496	193	Adequate	No
Quince Orchard	1,222	1,638	1,720	498	Adequate	No
Rockville	897	972	1,021	124	Adequate	No
Seneca Valley	1,030	1,476	1,550	520	Adequate	No
Sherwood	1,215	1,475	1,549	334	Adequate	No
Springbrook	916	1,216	1,277	361	Adequate	No
Watkins Mill	943	1,251	1,314	371	Adequate	No
Wheaton	1,424	1,649	1,731	307	Adequate	No
Whitman	1,217	1,287	1,330	113	Adequate	No
Wootton	1,356	1,578	1,657	301	Adequate	No

High School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	1,666	1,656	1,739	73	Adequate	No
Blair	2,275	2,885	3,029	754	Adequate	No
Blake	1,679	1,715	1,801	122	Adequate	No
Churchill	1,896	1,972	2,071	175	Adequate	No
Clarksburg	1,912	1,593	1,673	-239	Inadequate	Yes
Damascus	1,312	1,589	1,668	356	Adequate	No
Einstein	1,615	1,615	1,696	81	Adequate	No
Gaithersburg	1,874	2,067	2,170	296	Adequate	No
Walter Johnson	2,019	2,239	2,351	332	Adequate	No
Kennedy	1,495	1,802	1,892	397	Adequate	No
Magruder	1,707	1,958	2,056	349	Adequate	No
R. Montgomery	1,850	1,967	2,065	215	Adequate	No
Northwest	2,230	2,151	2,259	29	Adequate	No
Northwood	1,180	1,526	1,602	422	Adequate	No
Paint Branch	1,697	1,899	1,994	297	Adequate	No
Poolesville	1,113	1,107	1,162	49	Adequate	No
Quince Orchard	1,715	1,791	1,881	166	Adequate	No
Rockville	1,143	1,602	1,682	539	Adequate	No
Seneca Valley	1,381	1,452	1,525	144	Adequate	No
Sherwood	1,991	2,022	2,123	132	Adequate	No
Springbrook	1,706	2,086	2,190	484	Adequate	No
Watkins Mill	1,523	1,913	2,009	486	Adequate	No
Wheaton	1,300	1,389	1,458	158	Adequate	No
Whitman	1,614	1,891	1,986	172	Adequate	No
Wootton	2,322	2,059	2,162	-160	Inadequate	Yes

9. Designate Tax Map FT 41 Parcels P184, P185, P238, Lot 1A (Lilac Gardens Condominiums), and the abandoned Maple Street as Mixed Use.



These lots consist of Diamond Acres Apartments, Diamond House Apartments, Summit Hall Apartments, and Lilac Gardens Condominiums. There are a total of 74 apartment units and 33 condominium units on 4.49 acres of land, for a density of 23.83 units per acre and approximately 32,333 persons per square mile.

These properties should be consolidated and redeveloped as primarily medium density residential units. This area should provide a premier gateway development into downtown Gaithersburg, with the extension of West Diamond Avenue into Olde Towne.

A land use designation of mixed-use will allow for redevelopment of this area as a mixture of residential units while providing the ability to incorporate

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commercial and office uses in the form of live-work units or commercial buildings similar to those in Olde Towne. The commercial and office activity and higher density dwelling units should be located adjacent to West Diamond Avenue, gradually decreasing into lower density townhouse units adjacent to the existing townhouses on Spring Street.

Land Use and Zoning Actions:

- Adopt Mixed Use land use
- Recommend Zoning change from R-20 to CBD

LEED for New Construction v2.2
Registered Project Checklist

CSP07 003

Project Name: Residences at Olde Towne - Phase II
Project Address: Old Town Alley (AKA Service Road), Gaithersburg, MD 20877
Date: 9-05-07

Yes	?	No			
8			**Sustainable Sites**		14 Points
Y			Prereq 1	**Construction Activity Pollution Prevention**	Required
1			Credit 1	**Site Selection**	1
1			Credit 2	**Development Density & Community Connectivity**	1
			Credit 3	**Brownfield Redevelopment**	1
1			Credit 4.1	**Alternative Transportation**, Public Transportation Access	1
1			Credit 4.2	**Alternative Transportation**, Bicycle Storage & Changing Rooms	1
			Credit 4.3	**Alternative Transportation**, Low-Emitting & Fuel-Efficient Vehicles	1
1			Credit 4.4	**Alternative Transportation**, Parking Capacity	1
			Credit 5.1	**Site Development,** Protect or Restore Habitat	1
			Credit 5.2	**Site Development,** Maximize Open Space	1
1			Credit 6.1	**Stormwater Design,** Quantity Control	1
	1		Credit 6.2	**Stormwater Design,** Quality Control	1
			Credit 7.1	**Heat Island Effect,** Non-Roof	1
1			Credit 7.2	**Heat Island Effect,** Roof	1
1			Credit 8	**Light Pollution Reduction**	1

Yes	?	No			
2			**Water Efficiency**		5 Points
1			Credit 1.1	**Water Efficient Landscaping**, Reduce by 50%	1
			Credit 1.2	**Water Efficient Landscaping**, No Potable Use or No Irrigation	1
			Credit 2	**Innovative Wastewater Technologies**	1
1			Credit 3.1	**Water Use Reduction**, 20% Reduction	1
			Credit 3.2	**Water Use Reduction**, 30% Reduction	1
2			**Energy & Atmosphere**		17 Points
Y			Prereq 1	**Fundamental Commissioning of the Building Energy Systems**	Required
Y			Prereq 2	**Minimum Energy Performance**	Required
Y			Prereq 3	**Fundamental Refrigerant Management**	Required

*Note for EAc1 All LEED for New Construction projects registered after June 26th, 2007 are required to achieve at least two (2) points under EAc1

2			Credit 1	**Optimize Energy Performance**	1 to 10
				10.5% New Buildings or 3.5% Existing Building Renovations	
				2 14% New Buildings or 7% Existing Building Renovations	
				17.5% New Buildings or 10.5% Existing Building Renovations	
				21% New Buildings or 14% Existing Building Renovations	
				24.5% New Buildings or 17.5% Existing Building Renovations	
				28% New Buildings or 21% Existing Building Renovations	
				31.5% New Buildings or 24.5% Existing Building Renovations	
				35% New Buildings or 28% Existing Building Renovations	
				38.5% New Buildings or 31.5% Existing Building Renovations	
				42% New Buildings or 35% Existing Building Renovations	
			Credit 2	**On-Site Renewable Energy**	1 to 3
				2.5% Renewable Energy	
				7.5% Renewable Energy	
				12.5% Renewable Energy	
			Credit 3	**Enhanced Commissioning**	1
	1		Credit 4	**Enhanced Refrigerant Management**	1
			Credit 5	**Measurement & Verification**	1
			Credit 6	**Green Power**	1

continued...

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4-31-08

Yes	?	No			
3			**Materials & Resources**		13 Points
Y			Prereq 1	**Storage & Collection of Recyclables**	Required
			Credit 1.1	**Building Reuse**, Maintain 75% of Existing Walls, Floors & Roof	1
			Credit 1.2	**Building Reuse**, Maintain 100% of Existing Walls, Floors & Roof	1
			Credit 1.3	**Building Reuse**, Maintain 50% of Interior Non-Structural Elements	1
1			Credit 2.1	**Construction Waste Management**, Divert 50% from Disposal	1
	1		Credit 2.2	**Construction Waste Management**, Divert 75% from Disposal	1
			Credit 3.1	**Materials Reuse**, 5%	1
			Credit 3.2	**Materials Reuse**,10%	1
1			Credit 4.1	**Recycled Content**, 10% (post-consumer + ½ pre-consumer)	1
	1		Credit 4.2	**Recycled Content**, 20% (post-consumer + ½ pre-consumer)	1
1			Credit 5.1	**Regional Materials**, 10% Extracted, Processed & Manufactured Regiona	1
	1		Credit 5.2	**Regional Materials**, 20% Extracted, Processed & Manufactured Regiona	1
			Credit 6	**Rapidly Renewable Materials**	1
			Credit 7	**Certified Wood**	1

Yes	?	No			
9			**Indoor Environmental Quality**		15 Points
Y			Prereq 1	**Minimum IAQ Performance**	Required
Y			Prereq 2	**Environmental Tobacco Smoke (ETS) Control**	Required
1			Credit 1	**Outdoor Air Delivery Monitoring**	1
	1		Credit 2	**Increased Ventilation**	1
1			Credit 3.1	**Construction IAQ Management Plan**, During Construction	1
1			Credit 3.2	**Construction IAQ Management Plan**, Before Occupancy	1
1			Credit 4.1	**Low-Emitting Materials**, Adhesives & Sealants	1
1			Credit 4.2	**Low-Emitting Materials**, Paints & Coatings	1
1			Credit 4.3	**Low-Emitting Materials**, Carpet Systems	1
1			Credit 4.4	**Low-Emitting Materials**, Composite Wood & Agrifiber Products	1
			Credit 5	**Indoor Chemical & Pollutant Source Control**	1
			Credit 6.1	**Controllability of Systems**, Lighting	1
	1		Credit 6.2	**Controllability of Systems**, Thermal Comfort	1
1			Credit 7.1	**Thermal Comfort**, Design	1
			Credit 7.2	**Thermal Comfort**, Verification	1
1			Credit 8.1	**Daylight & Views**, Daylight 75% of Spaces	1
	1		Credit 8.2	**Daylight & Views**, Views for 90% of Spaces	1

Yes	?	No			
2			**Innovation & Design Process**		5 Points
1			Credit 1.1	**Innovation in Design**: Provide Specific Title	1
			Credit 1.2	**Innovation in Design**: Provide Specific Title	1
			Credit 1.3	**Innovation in Design**: Provide Specific Title	1
			Credit 1.4	**Innovation in Design**: Provide Specific Title	1
1			Credit 2	**LEED® Accredited Professional**	1

Yes	?	No		
26			**Project Totals** (pre-certification estimates)	69 Points

Certified: 26-32 points, **Silver:** 33-38 points, **Gold:** 39-51 points, **Platinum:** 52-69 points

LSA LEED - NC v2.2 Project Checklist

PROJECT - Residences at Olde Towne - Phase 2

TAX ID - 09-201-00821061 / 09-201-00821050

ADDRESS - 1 Water St / 49 W Diamond Ave , Gaithersburg, MD

Total Project Score

Certified 26 to 32 points Silver 33 to 38 points Gold 39 to 51 points Platinum 52 or more po

2	6	5	Sustainable Sites		Possible Points 14
Y	?	N			
Y			Prereq 1	**Erosion & Sedimentation Control**	
X			Credit 1	**Site Selection**	1
	X		Credit 2	**Urban Redevelopment**	1
		X	Credit 3	**Brownfield Redevelopment**	1
X			Credit 4.1	**Alternative Transportation** Public Transportation Access	1
	X		Credit 4.2	**Alternative Transportation** Bicycle Storage & Changing Rooms	1
		X	Credit 4.3	**Alternative Transportation** Alternative Fuel Refueling Stations	1
		X	Credit 4.4	**Alternative Transportation** Parking Capacity	1
		X	Credit 5.1	**Reduced Site Disturbance** Protect or Restore Open Space	1
	X		Credit 5.2	**Reduced Site Disturbance** Development Footprint	1
	X		Credit 6.1	**Stormwater Management** Rate and Quantity	1
	X		Credit 6.2	**Stormwater Management** Treatment	1
	X		Credit 7.1	**Landscape & Exterior Design to Reduce Heat Islands** Non-Roof	1
			Credit 7.2	**Landscape & Exterior Design to Reduce Heat Islands** Roof	1
		X	Credit 8	**Light Pollution Reduction**	1

	1	1	Water Efficiency		Possible Points 5
Y	?	N			
	X		Credit 1.1	**Water Efficient Landscaping** Reduce by 50%	1
		X	Credit 1.2	**Water Efficient Landscaping** No Potable Use or No Irrigation	1
			Credit 2	**Innovative Wastewater Technologies**	1
			Credit 3.1	**Water Use Reduction**, 20% Reduction	1
			Credit 3.2	**Water Use Reduction**, 30% Reduction	1

			Energy & Atmosphere		Possible Points 17
Y	?	N			
Y			Prereq 1	**Fundamental Building Systems Commissioning**	
Y			Prereq 2	**Minimum Energy Performance**	
Y			Prereq 3	**CFC Reduction in HVAC&R Equipment**	
			Credit 1.1	**Optimize Energy Performance**, 20% New / 10% Existing	2
			Credit 1.2	**Optimize Energy Performance**, 30% New / 20% Existing	2
			Credit 1.3	**Optimize Energy Performance**, 40% New / 30% Existing	2
			Credit 1.4	**Optimize Energy Performance**, 50% New / 40% Existing	2
			Credit 1.5	**Optimize Energy Performance**, 60% New / 50% Existing	2
			Credit 2.1	**Renewable Energy**, 5%	1
			Credit 2.2	**Renewable Energy**, 10%	1
			Credit 2.3	**Renewable Energy**, 20%	1
			Credit 3	**Additional Commissioning**	1
			Credit 4	**Ozone Depletion**	1
			Credit 5	**Measurement & Verification**	1
			Credit 6	**Green Power**	1

LSA LEED - NC v2.2 Project Checklist

PROJECT - Residences at Olde Towne - Phase 2

Materials & Resources — Possible Points 13

Y	?	N			
Y			Prereq 1	**Storage & Collection of Recyclables**	
			Credit 1.1	**Building Reuse**, Maintain 75% of Existing Shell	1
			Credit 1.2	**Building Reuse**, Maintain 100% of Existing Shell	1
			Credit 1.3	**Building Reuse**, Maintain 100% Shell & 50% Non-Shell	1
			Credit 2.1	**Construction Waste Management**, Divert 50%	1
			Credit 2.2	**Construction Waste Management**, Divert 75%	1
			Credit 3.1	**Resource Reuse**, Specify 5%	1
			Credit 3.2	**Resource Reuse**, Specify 10%	1
			Credit 4.1	**Recycled Content**, Specify 25%	1
			Credit 4.2	**Recycled Content**, Specify 50%	1
			Credit 5.1	**Local/Regional Materials**, 20% Manufactured Locally	1
			Credit 5.2	**Local/Regional Materials**, of 20% Above, 50% Harvested Locally	1
			Credit 6	**Rapidly Renewable Materials**	1
			Credit 7	**Certified Wood**	1

Indoor Environmental Quality — Possible Points 15

Y	?	N			
Y			Prereq 1	**Minimum IAQ Performance**	
Y			Prereq 2	**Environmental Tobacco Smoke** (ETS) **Control**	
			Credit 1	**Carbon Dioxide** (CO_2) **Monitoring**	1
			Credit 2	**Increase Ventilation Effectiveness**	1
			Credit 3.1	**Construction IAQ Management Plan**, During Construction	1
			Credit 3.2	**Construction IAQ Management Plan**, Before Occupancy	1
			Credit 4.1	**Low-Emitting Materials**, Adhesives & Sealants	1
			Credit 4.2	**Low-Emitting Materials**, Paints	1
			Credit 4.3	**Low-Emitting Materials**, Carpet	1
			Credit 4.4	**Low-Emitting Materials**, Composite Wood	1
			Credit 5	**Indoor Chemical & Pollutant Source Control**	1
			Credit 6.1	**Controllability of Systems**, Perimeter	1
			Credit 6.2	**Controllability of Systems**, Non-Perimeter	1
			Credit 7.1	**Thermal Comfort**, Comply with ASHRAE 55-1992	1
			Credit 7.2	**Thermal Comfort**, Permanent Monitoring System	1
			Credit 8.1	**Daylight & Views**, Daylight 75% of Spaces	1
			Credit 8.2	**Daylight & Views**, Views for 90% of Spaces	1

Innovation & Design Process — Possible Points 5

Y	?	N			
			Credit 1.1	**Innovation in Design** Specific Title	1
			Credit 1.2	**Innovation in Design** Specific Title	1
			Credit 1.3	**Innovation in Design** Specific Title	1
			Credit 1.4	**Innovation in Design** Specific Title	1
			Credit 2	**LEED™ Accredited Professional**	1

MILLER, BEAM & PAGANELLI, INC.

CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

Z 309

RESIDENCES AT OLDE TOWNE
PHASES 1 & 2

THE CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

Environmental Noise Measurement,
Exterior Noise Impact Assessment, and
Preliminary Interior Noise Assessment

Project Number 07-158

Douglas P. Koehn, M.S.
Senior Consultant

September 13, 2007

PENGAD 800-631-6989
JOINT EXHIBIT
#26
Z-308(a)
8-21-08

INTRODUCTION

Miller, Beam, & Paganelli, Inc. has conducted an environmental noise assessment for the proposed Residences at Olde Towne Phases 1 and 2 developments in the City of Gaithersburg, Montgomery County, Maryland. Phase 1 of the project is adjacent to South Frederick Avenue (MD355). Phase 2 is bordered by West Diamond Avenue. Both sites are a nominal 300 feet from the freight and commuter train tracks. As a result, the development sites are subjected to associated traffic and train noise. On-site noise measurements were made at both sites to assess the existing noise exposures. A summary of the survey procedures, results, analysis, and preliminary noise mitigation recommendations are presented below.

CRITERIA

The day-night average level (DNL or L_{dn}) is the most commonly used sound level descriptor which relates the degree of environmental (aircraft, roadway, and railway) noise to its subjective annoyance. It is an A-weighted (simulating human hearing and denoted dBA) 24-hour average level with noise levels during the nighttime hours (10 p.m. through 7 a.m.) mathematically increased by 10 dBA to account for increased sensitivity to noise at night.

The City of Gaithersburg's noise standards require compliance with Montgomery County's *Staff Guidelines for the Consideration of Transportation Noise Impacts on Land Use Planning and Development*. The Montgomery County Noise standards state that the maximum allowable interior residential noise level due to environmental sources is 45 dBA L_{dn}. In addition, noise levels in outdoor recreational spaces should not exceed 65 dBA L_{dn}.

These criteria are similar to those of HUD and many other governing and lending agencies. Based on numerous tests and studies, HUD assumes that a normal building's exterior construction will provide 20 dBA of noise reduction. Thus, residential buildings exposed to noise levels less than 65 dBA L_{dn} should result in interior noise levels less than 45 dBA L_{dn} and, therefore, are not normally considered noise impacted. Residential buildings exposed to noise levels exceeding 65 dBA L_{dn} are generally considered noise impacted, and may require upgraded constructions to achieve noise levels less than 45 dBA L_{dn}.

SURVEY PROCEDURE AND RESULTS

The Phase 1 development site at 12 S. Frederick Avenue (MD-355) is the present location of the Executive Garden Apartments. The Phase 2 development site is the present location of the Diamond House Apartments at 49 W Diamond Avenue. Three integrating sound level meters were used to measure the noise exposure levels: two Rion NA-27s and one Larson Davis DSP-80. All meters comply with ANSI standards for Type 1 (precision) quality meters, are under a current calibration traceable to NIST, and were field calibrated prior to conducting the measurements.

At the Phase 1 site, a meter was placed on the roof of the apartment building closest to MD-355, at roughly the same distance from the road as closest proposed townhouses. At this elevation, the meter experienced the full noise exposure from the road and the trains, and represented a worst case noise exposure. The approximate noise assessment location (NAL 1) is shown in Figure 1-1. A full 24-hour noise measurement, subdivided into ten minute periods, was made at this location. The northeast side of the property (Plan East), closest to MD-355 and the train tracks, is lower than the road and is shielded from some noise by a nominal 10-25 feet tall retaining wall along the northeast and east sides of the site. Shorter term measurements, in synchronized 10 minute periods with NAL 1, were made at ground elevation to calculate the wall/barrier effect at various ground locations.

At the Phase 2 property, the sound level meter was placed on the roof of the existing apartment building closest to West Diamond Avenue at roughly the same distance from the road as the proposed Phase 2 building. The approximate noise assessment location, NAL 2, is shown in Figure 1-2. This location closest to the road and the tracks represents Phase 2's worst case exposure location. Nearby buildings and the terrain obstruct direct sound paths to the trains and mitigate the noise slightly.

The measured day-night average noise levels were 72 and 69 dBA L_{dn} at NAL 1 (Phase 1) and NAL 2 (Phase 2), respectively. Thus, these worst case locations are exposed to noise levels exceeding 65 dBA L_{dn} and, therefore, are noise impacted. Noise levels will diminish with increased distance from the roads and with shielding by obstacles such as the wall along MD-355 and also the proposed buildings themselves.

The noise exposures across the developments are complected due to the multiple noise sources and the distribution of buildings and obstacles. While some locations are technically noise impacted, most

other are not. Thus, an examination of the noise exposure at the building faces and outdoor areas is presented below.

EXTERIOR NOISE EXPOSURE

Phase 1: South Frederick Avenue

For the Phase 1 (South Frederick Avenue) development site two difference noise impact regions, or Zones, are developed each representing a different range of noise exposure. Zone 1, closest to MD-355, includes the more heavily noise impacted units. Shown in Figure 2-1, the impacted units are highlighted and include units 38 - 43 and 37. Based on the survey results, noise level at the upper levels in Zone 1 are 72 dBA L_{dn}. Noise levels at the adjacent building faces are a nominal 3 dBA low or 69 dBA L_{dn}.

The existing nominal 12-25 foot barrier along MD-355 and its access road will shield some of the noise at ground level. For the four-story townhouses, calculations indicate that the lowest floor (basement or first floor) will be fully shielded to less than 65 dBA L_{dn}. The top two floors will essentially be fully exposed, or 72 dBA L_{dn}. The second floor exposure varies, with near full exposure at the south (unit 41) to a nominal 4-5 dBA reduction at the north (unit 37).

Zone 2 noise levels are in the 65-68 range. Also shown in Figure 2-1, these include the rear (plan north) faces of units 32-36 and the side (plan south) of unit 44.

The ground level outdoor areas are shielded by the wall/barrier and buildings such that noise levels are less than 65 dBA L_{dn}, and acceptable for outdoor recreational spaces. The fourth floor decks are arranged that for units 38-43 they face away from the road and, therefore, are shielded by the building itself so that noise levels are less than 65 dBA L_{dn}. The deck of unit 37, which is oriented perpendicular to the road and thereby only partially shielded, likely will marginally exceed 65 dBA L_{dn}. If desired, a solid fence (nominal 6 feet) on the east (road) side of the deck could be constructed to mitigate noise reduction to less than 65 dBA Ldn.

The rest of the units at the Phase 1 development are sufficiently far enough and shielded from the road and trains such that noise levels are less than 65 dBA L_{dn}. No special noise mitigation measures are necessary for all other buildings.

Phase 2: West Diamond Avenue

As indicated by the survey results, the noise levels at the Phase 2 (West Diamond Avenue) site exceed the 65 dBA L_{dn} impact criterion closest to West Diamond Avenue. Traffic noise levels will rapidly decline with increased distance from the road. The noise from the trains does not diminish as rapidly while moving away from the trains, since the initial distance from the train tracks is fairly large and the noise is already partially shielded by obstacles such as terrain and buildings.

The noise impacted building faces of Phase 2 are shown in Figure 2-2. In these locations exterior noise levels are in the 69-65 dBA L_{dn} range. Thus, some upgrade to the exterior building shell may be necessary in these locations. All other locations are exposed to noise levels below 65 dBA L_{dn} and require no special noise mitigation measures. The courtyard areas are sufficiently distant and shielded such that noise levels are well less than 65 dBA L_{dn} and, therefore, acceptable for outdoor recreational space.

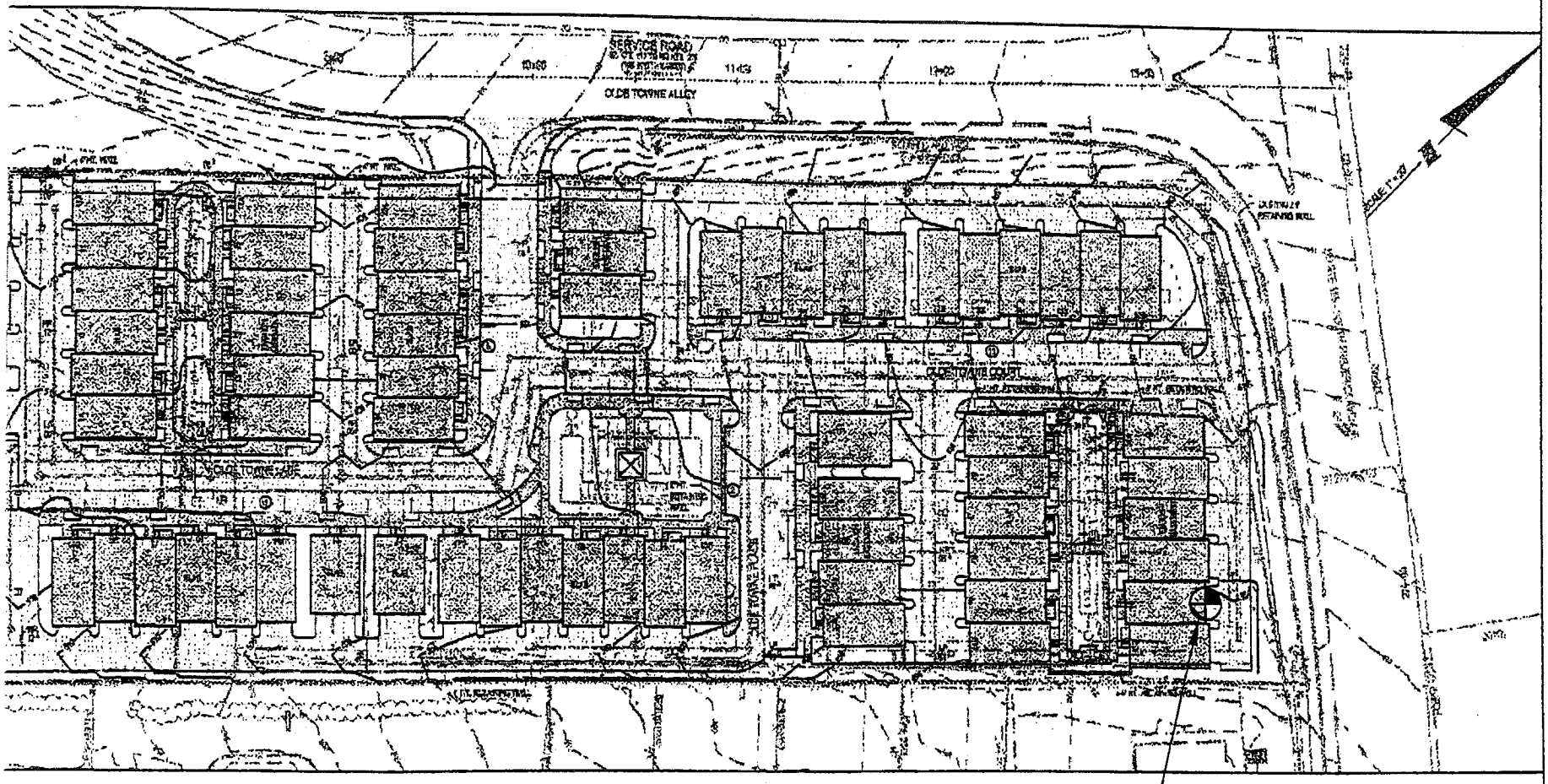
INTERIOR NOISE LEVELS

Those units and building faces designated above as noise impacted may require upgraded window and/or wall constructions to achieve interior noise levels less than 45 dBA L_{dn}. A detailed building shell analysis is beyond the scope of this initial noise assessment, but can be performed as building designs progress to insure compliance with the city's interior noise standard. Some conceptual noise mitigation guidelines are presented below.

The interior noise criterion can generally be achieved using readily available window and wall upgrades. For buildings that are only moderately noise impacted (excludes Phase 1 - Zone 1 region), a modest upgrade in the window STC (sound transmission class) rating will often provide the necessary noise reduction. For the Zone 1 units of Phase 1, additional noise mitigation measures may be necessary such as a further upgrade in the window, reduction of window area, and/or upgrade in wall construction with additional layers of materials or resilient channels.

CONCLUSION

An environmental noise assessment was performed for the proposed Residences at Olde Towne Phase 1 & 2 development in the City of Gaithersburg, Maryland. The sites are subjected to noise from a mixture of roadway traffic and noise from commuter and freight trains. A minority of the building faces were determined to be noise impacted. These locations, as depicted in Figures 2-1 and 2-2, may require moderate window and/or wall upgrades to achieve interior noise levels that meet the city's criteria. The more heavily impacted units in Zone 1 of Phase 1 may require additional design considerations. A detailed interior noise assessment of the impacted building units is beyond the scope of this initial noise assessment, but can be performed as development and designs progress. All other building locations are not impacted and do not require any special noise mitigation measures. With the exception of one townhouse deck in the Phase 1 development as discussed above, the courtyard areas and decks are sufficiently shielded to meet the criterion for outdoor recreation spaces and no outdoor noise mitigation is necessary.

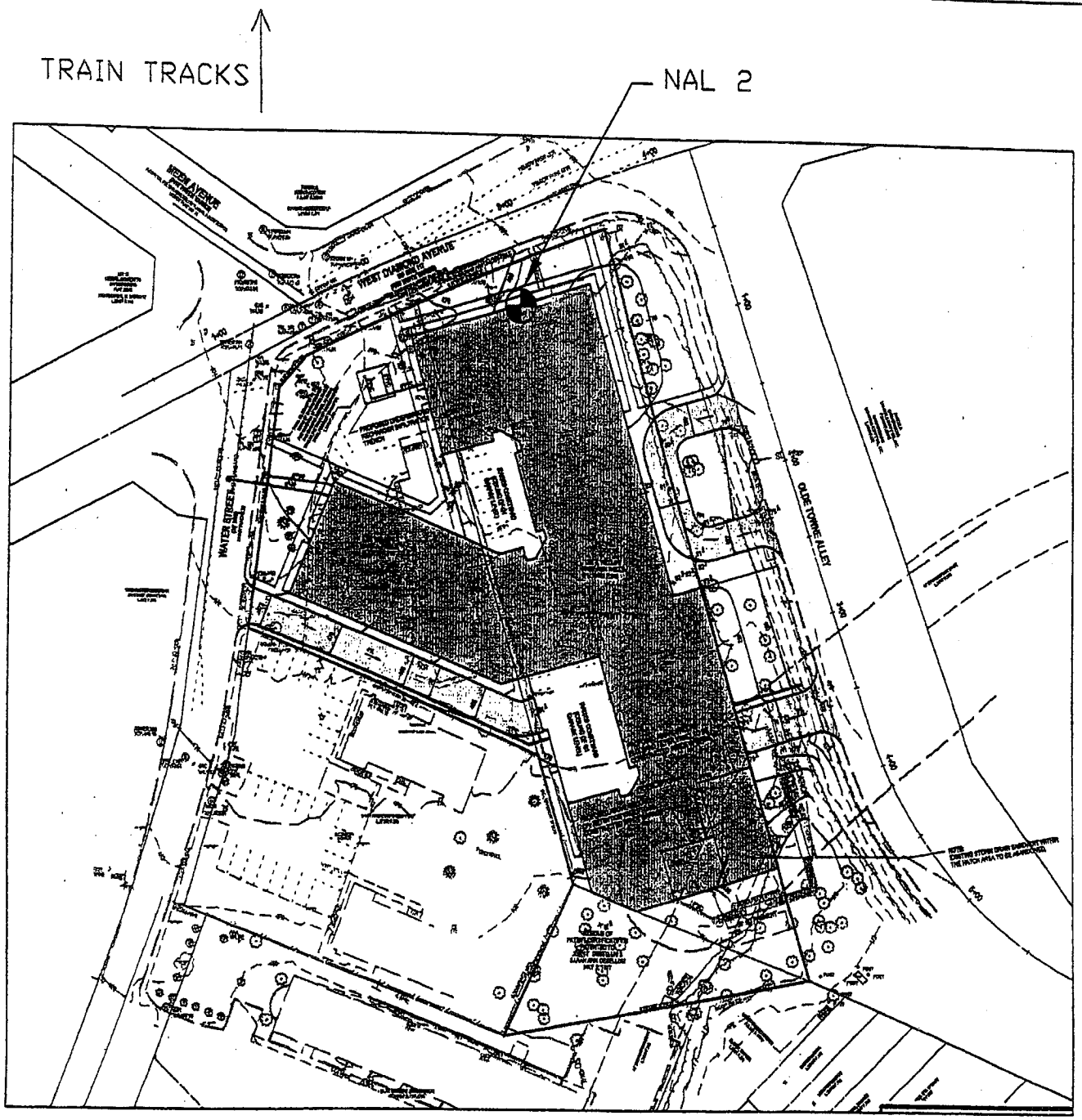


TRAIN TRACKS

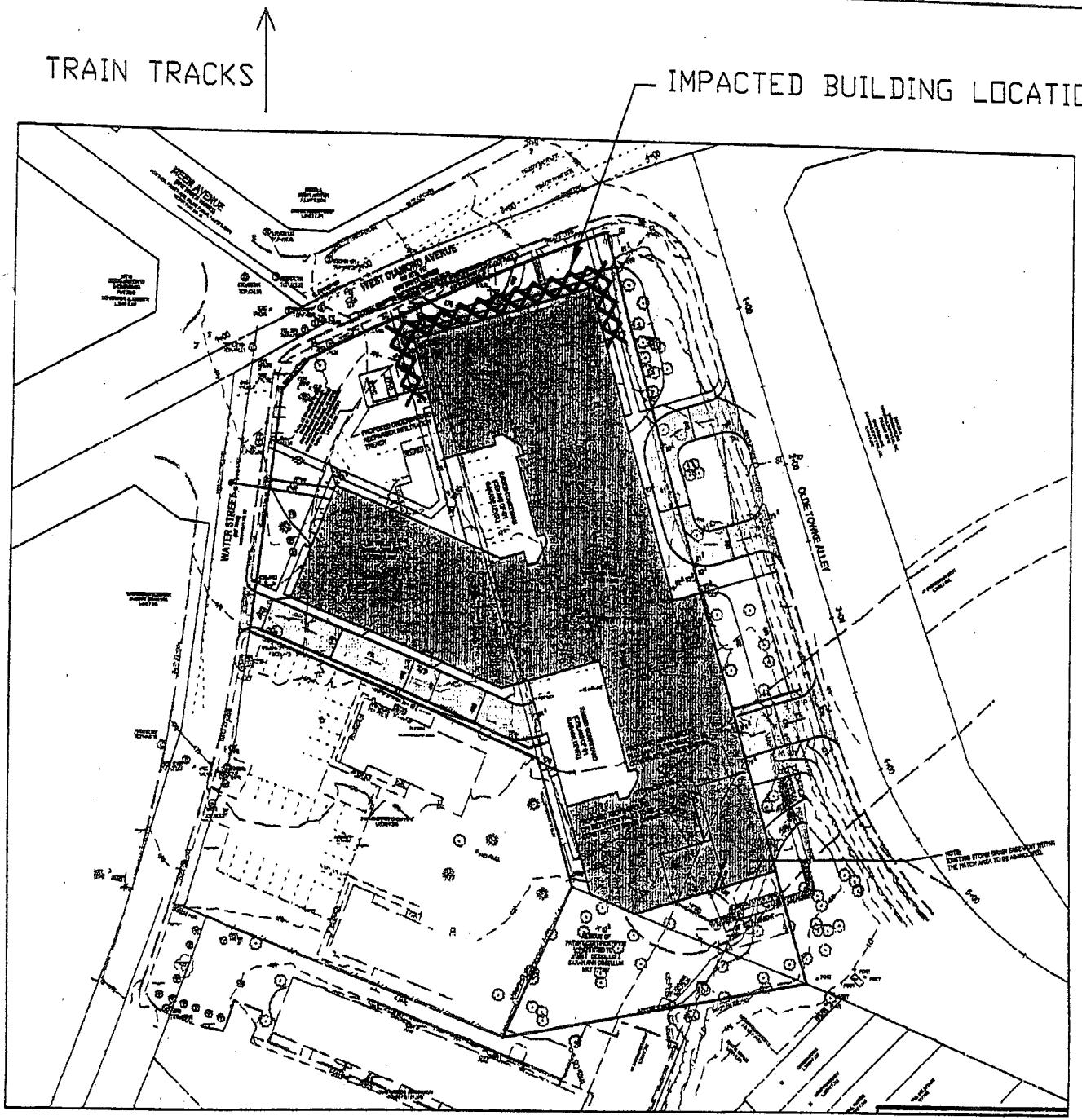
NAL 1

PLAN NORTH

MILLER, BEAM & PAGANELLI, INC.	PROJECT: RESIDENCES AT OLDE TOWNE – PHASE 1	SHEET:



MILLER, BEAM & PAGANELLI, INC. | PROJECT: RESIDENCES AT OLDE TOWNE – PHASE 2 | SHEET:



MILLER, BEAM & PAGANELLI, INC. | PROJECT: RESIDENCES AT OLDE TOWNE – PHASE 2 | SHEET:

Gaithersburg
A CHARACTER COUNTS! CITY

Read

November 2, 2007

Mr. Greg Cooke
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

RE: Residences at Olde Towne Phase II,
Service Road, Gaithersburg, Maryland

Dear Mr. Cooke:

Enclosed herewith are two copies of a concept site plan that has been submitted to the City for redevelopment of three parcels of land located west of Service Road, which is the road that connects Maryland Route 355 (North Frederick Avenue) to Maryland Route 117 (West Diamond Avenue) in Gaithersburg. Currently, there are two curb cuts with entry and exit driveway aprons to the three parcels of land from West Diamond Avenue between Service Road and Water Street and no access from Service Road. Two copies of plans showing the existing conditions are also enclosed.

The Applicant has proposed to abandon the two curb cuts and entry and exit driveways from West Diamond Avenue and combine and relocate them into one entry and exit driveway to be directly across from the existing curb cut from the Service Road to the Barrons Lumber parking lot as shown on the enclosed concept site plan. This new location will provide entry and exit from Service Road to the parking garage under the proposed multi-family residential building (the "Building") to be developed and constructed on the three parcels of land.

In addition, the Applicant has proposed an additional curb cut for an entry <u>only</u> to a drop-off lane in front of the proposed Building measured to be 122.6 feet north of the entry and exit to the parking garage under the proposed Building. The Applicant has suggested that unless the drop-off lane is available then residents, visitors, taxi service providers and delivery vehicles coming to the proposed Building will likely stop and park on the Service Road which may not be safe and could hinder the flow of traffic.

As mentioned above, the Applicant has proposed that the two existing curb cuts and driveway aprons that provide entry and exit to the three parcels of land from West Diamond Avenue between the Service Road and Water Street are to be abandoned if the Applicant's plans are approved. As you may recall, another application for access from this Service road was recently denied for a project on an adjacent parcel. Given the impact of the State Highway

City of Gaithersburg • 506 South Frederick Avenue, Gaithersburg, Maryland 20877-2325
301-258-6350 • FAX 301-948-8364 • TTY 301-258-6430 • parksrec@gaithersburgmd.gov • www.gaithersburgmd.
MAYOR
Sidney A. Katz
COUNCIL MEMBERS
Stanley J. Alder
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sesma
CITY MANAGER
David B. Humpton

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#28
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4-21-08

Administration's final determination on access at this location, we thought it would be best to seek some preliminary non-binding feedback from your office. Accordingly, we are requesting that you review the enclosed concept site plan and provide the City with general comments on the Applicant's proposal before the City proceeds with the formal review of the subject application.

Your cooperation is appreciated. If you have any questions, please contact me directly at 301-258-6330 or gossont@gaithersburgmd.gov

Sincerely,

Greg Ossont, Director
Planning and Code Administration

Enclosures

cc: Ray Burns, SHA
John Borkowski, SHA
Rich Koch, Keystone REI
Steve Tawes, L&S
Ollie Mumpower, DPW
Lauren Pruss, PCA

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

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DEC - 5 2007
PLANNING & CODE ADMINISTRATION

December 3, 2007

Mr. Gregory Ossont
Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: Montgomery County
Residences at Olde Towne, Phase II
Service Road (MD 117A)
MD 117 at MD 355
Mile Post: 12.40

Dear Mr. Ossont:

The State Highway Administration (SHA) appreciates the opportunity to review the concept site plan and letter dated November 2, 2007 for Phase II of the proposed Residences at Olde Towne development in Gaithersburg. Based on the information we were provided, we have developed the following understanding:

- Phase II of this project consists of the redevelopment of three parcels located west of the Service Road (MD 117A) that connects MD 117 (West Diamond Avenue) with MD 355 (Frederick Road).

- Access to the Phase II development is proposed from MD117A by two driveways; one full-movement access point located opposite the access to the Barrons Lumber property, and the other being a entry-only access to the site, located approximately 125 feet north of the other proposed access point.

- Access to the Phase II development is also proposed from Water Street, a County/City-maintained roadway.

- The two existing access points along MD 117 for these parcels located between MD 117A and Water Street are proposed to be closed if access is granted along the MD 117A.

We offer the following comments on the plans and letter your office provided:

- We have confirmed with our District Maintenance shop that SHA maintains the service road, as it is included in the State Highway Location Reference inventory as MD 117A. The proposed full movement access to this site from MD 117A (referred to as Olde Towne Alley on the plan) that is opposite the entrance for the Barrons Lumber site is generally acceptable to SHA. SHA does not support the additional right-in only access point along MD 117A as the drop-off lane is shown within the State's right-of-way. In general, a traffic study and/or circulation study may be needed to justify access along MD 117A.

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- Prior discussions concerning the acquisition of excess right-of-way with me alluded to the interest of providing all access to the site from Water Street. We acknowledge that the plans show access to both Water Street and MD 117A. Again, review of the traffic study should confirm the need for access to the State maintained road for a single access point in addition to access provided from Water Street.

- The ultimate right-of-way line should clearly show on the plan what is owned by SHA today, and what is required from SHA for improvements for the site. The approval of the site work within the currently owned SHA right-of-way in no way provides approval for the acquisition of SHA right-of-way that final approvals shall occur only after the process is complete, including the Board of Public Works (BPW) approval and land deeded from SHA. Proceeding with the plan as shown is at the risk of the applicant and there is no guarantee that land will be transferred until BPW approvals occur.

- Future plans should clearly indicate the existing right-of-way along MD 117, MD 355, and MD 117A. Plans should also show the full intersection of MD 117/Service Road and the existing site layout for Barrons Lumber.

- A traffic study should be prepared for this development and include both Phases I and II. According to the plan, Phase II of the development includes 193 multi-family units. SHA is most interested in the assessment of how the MD 117/Service Road intersection will be impacted by this development as well as the newly proposed four-way intersection across from the Barrons Lumber entrance. SHA would need to review a traffic study to determine any impacts to the local state routes (MD 117 and MD 355) so that a determination can be made on the need for any off-site improvements.

- The plans provided do not clearly show the location of the existing access points to be closed along MD 117 between Water Street and MD 117A (Service Road). Future plan submissions should clearly indicate the location of these access points to be closed along MD 117.

- The plan should clearly define the limits of SHA maintenance and ownership as well as County/City maintenance and ownership in the area of the development.

- An access permit would be required from this office for the closure of the existing access points along MD 117 (West Diamond Avenue) and the proposed improvements along MD 117A.

- Truncations (right of way flares) and right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. For questions regarding the plat review process, please E-mail Mr. Andrews at **dandrews@sha.state.md.us**. Additionally, please contact Mr. Paul Ledneck, District 3 Right of Way Chief at 310-513-7470 for information regarding the deed process.

- Sight distance evaluation would be required for the full-movement access point proposed along MD 117A.

- Access and improvements to County/City-maintained roads and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation or the City of Gaithersburg.

If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,

For Steven D. Foster, Chief
Engineering Access Permits Division

SDF/gfc/jab

cc: Mr. Steve Tawes / LSA / 2 Research Place, Suite 100, Rockville, MD 20850
Mr. Ollie Mumpower / City of Gaithersburg DPW / 800 Rabbit Road, Gaithersburg, MD 20878
Ms. Catherine Conlon / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*
Mr. John Lohmeyer *sent via e-mail*
Mr. Daniel Andrews *sent via e-mail*
Mr. Paul Ledneck *sent via e-mail*

From: Ollie Mumpower
To: Jacqueline Marsh
Date: 02/13/2008 11:16:27 AM
Subject: Residences at Olde Towne Phase II TIS

Previous comments

1. Traffic study still needs to be resubmitted and approved.

a. the existing study show all traffic entering /exiting from Water Street. The submitted concept plan shows two access point on the spur from MD 117 to MD 355 and one access point on Water Street. The study and the traffic impact study need to agree with each other.
Comment : This has been done

b. Since different access points are being used with the existing development and the proposed development the proposed impact from the 200 apartments must be assigned to the road system based on the proposed new access. At that point the impact from the existing 52 apartments from the access points on both MD 117 and on Water Street can be subtracted from traffic on the road system.
Comment: this has been done

c. Since access points now have been added along the spur road between Md 117 and MD 355 the scope of the traffic study needs to be expanded to include 2 new intersections :
-- Md 355 and S. Summit Avenue
-- the right in/right out spur from MD 117 to MD 355
both these intersections are required for the phase 1 study but they will also be required for the phase II study.
Comment: These intersections were added to the revised study. Although an analysis of only one intersection was done along the spur from Md 117 to MD 355 this shows a "worse case" scenario with an acceptable CLV. If two intersections are allowed in this location both intersection will operate at a lower CLV.

Based on the changes made in the revised traffic study Residences at Olde Towne Phase II (January 23, 2008) and In accordance with the City s Adequate Public Facilities Ordinance the applicant has submitted a required Final Traffic Impact Study (TIS) indicating that all intersections in the study area will continue to operate within the City s acceptable standards for Critical Lane Volumes in both the AM and PM peak hours.

Engineering Services Director Ollie Mumpower has reviewed the TIS and agrees with the findings detailed in the study. As such approval of the final TIS for this project is granted.

Ollie K. Mumpower
Engineering Services Director
Department of Public Works, Parks Maintenance and Engineering
800 Rabbitt Road
Gaithersburg, Maryland 20878-1600
301-258-6370 Ext. 106
301-258-6375 FAX
301-258-6430 TTY
omumpower@gaithersburgmd.gov
www.gaithersburgmd.gov

CC: Greg Ossont; Lauren Pruss

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JOINT EXHIBIT
35
Z-308(6)
4-21-08

The Traffic Group

The Traffic Group, Inc.
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236

410-931-6600 Fax: 410-931-6601
1-800-583-8411
www.trafficgroup.com

WES GUCKERT, PTP
President

Cell Phone: 410-440-9227
E-Mail: wguckert@trafficgroup.com

DELIVERED VIA: UPS GROUND

TO: *Mr. Steve Foster*
MD State Highway Administration
Engineering Access Permits
Mail Stop C-302
707 North Calvert Street
Baltimore, MD 21202

REFERENCE:
Residences @ Olde Towne – Phase 2
Gaithersburg, Maryland

JOB NO.: 2007-0607

DATE: February 14, 2008

MEMO:

In response to your letter of December 3, 2007 to Gregory Ossont, Director, Planning and Code Administration, City of Gaithersburg, enclosed herewith are six copies of the traffic report prepared for this proposed multifamily residential project. Please do not hesitate to contact me if there are any questions about the enclosed traffic report.

Thank you.

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#36
7-308(c)
4-31-08

Loiederman
Soltesz Associates, Inc.

March 10, 2008

Steven D. Foster, Chief
Engineering Access Permits Division
Maryland State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202

RECEIVED
MAR 2 1 2008
PLANNING & CODE ADMINISTRATION

Re: Montgomery County
Residences at Olde Towne, Phase II
Service Road (MD 117A)
LSA Project # 2990-02-00

Dear Mr. Foster,

In response to your letter of December 3, 2007, regarding Residences at Olde Towne, Phase II to Gregory Ossont, Director, Planning and Code Administration, City of Gaithersburg, I offer you the following responses:

1. We have confirmed with our District Maintenance shop that SHA maintains the service road, as it is included in the State Highway Location Reference inventory as MD 117A. The proposed full movement access to this site from MD 117A (referred to as Olde Towne Alley on the Plan) that is opposite the entrance for the Barrons Lumber site is generally acceptable to SHA. SHA does not support the additional right-in only access point along MD 117A as the drop-off lane is shown within the State's right-of-way. In general, a traffic study and/or circulation study may be needed to justify access along MD 117A.

   The concept site plan has been modified to show one access point on MD 117A, aligned with the entrance to the Barrons Lumber entrance. A traffic study has been completed and will be submitted to you under separate cover by The Traffic Group.

2. Prior discussion concerning the acquisition of excess right-of-way with me alluded to the interest of providing all access to the site from Water Street. We acknowledge that the plans show access to both Water Street and MD 117A. Again, review of the traffic study should confirm the need for access to the State maintained road for a single access point inn addition to access provided from Water Street.

   The traffic study to be submitted to you under separate cover by The Traffic Group confirms the need for two points of access. The MD 117A access point provides access only to the G1 garage level under the proposed building and the Water Street access point provides access only to the G2 garage level under the building.

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4-21-08

3. The ultimate right-of-way should be clearly shown on the plan what is owned by SHA today, and what is required fro SHA for improvements to the site. The approval of the site work within the currently owned SHA right-of-way in no way provides approval for the acquisition of SHA right-of-way that final approvals shall occur only after the process is complete, including the Board of Public Works (BPW) approval and land deeded from SHA. Proceeding with the plan as shown is at the risk of the applicant and there is no guarantee that land will be transferred until BPW approvals occur.

   The concept site plan has been updated to show the ultimate SHA right-of-way and the grading and site work to be done in the SHA right-of-way.

4. Future plans should clearly indicate the existing right-of-way along MD 117, MD 355 and MD 117A.Plans should also show the full intersection of MD 117/Service Road and the existing site layout for Barrons Lumber.

   Enclosed is a revised site plan showing the site layout for Barrons Lumber entrance and the MD 117A right-of-way.

5. A traffic study should be prepared for this development and include both Phases I and II. According to the plan, Phase II of the development includes 193 Multi-family units. SHA is most interested in the assessment of how the MD 117/Service Road intersection will be impacted by this development as well as the newly proposed four-way intersection across from the Barrons Lumber entrance. SHA would need to review a traffic study to determine any impacts to the local state routes (MD 117 and MD 355) so that a determination can be made on the need for any off-site improvements.

   The traffic study completed by The Traffic Group submitted to you under separate cover by The Traffic Group.

6. The plans provided do not clearly show the location of the existing access points to be closed along MD 117 between Water Street and MD 117A (Service Road). Future plan submissions should clearly indicate the location of these access points to be closed along MD 117.

   Notes have been added to the concept site plan showing the existing access points to be closed.

7. The plan should clearly define the limits of SHA maintenance and ownership as well as County/City maintenance and ownership in the area of the development.

   The concept plan has been updated to show the ultimate right-of-ways owned by the SHA and the City.

8. An access permit would be required from this office for the closure of the existing access points along MD 117 (West Diamond Avenue) and the proposed improvements along MD 117A.

All required approvals and permits will be obtained before road and access modifications are commenced.

9. Truncations (right of way flares) and right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 fro additional information. For questions, regarding the plat review process, please E-mail Mr. Andrews at dandrews@sha.state.md.us. Additionally, please contact Mr. Paul Ledneck, District 3 Right of Way Chief at 310-513-7470 for information regarding the deed process.

   The SHA Plats and Surveys Division has approved the plat for the ultimate right-of-way for MD117A. No other dedications/donations are required for the proposed development. A copy of the plat approved by the SHA Plats and Surveys Division is enclosed.

10. Sight distance evaluation would be required for the full-movement access point proposed along MD 117A.

    Enclosed is a copy of the sight distance evaluation.

11. Access and improvements to County/City-maintained roads and is subject to the permit process and requirements of Montgomery County Department of Public Works and Transportation of the City of Gaithersburg.

    All required approvals and permits will be obtained before road and access modifications are commenced.

If you have any questions, please contact either me or Steve Tawes.

Sincerely,

LOIEDERMAN SOLTESZ ASSOCIATES, INC.

Theresa Polizzi
Project Manager

Enclosure(s)

cc: Rich Koch – Keystone REI
Greg Ossont – City of Gaithersburg
Jody Kline – Miller, Miller and Canby
Steve Tawes – LSA
Dan Pino – LSA

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Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

March 12, 2008

Re: Montgomery County
MD 117
Residences at Olde Towne

RECEIVED
MAR 18 2008
PLANNING & CODE ADMINISTRATION

Mr. Gregory Ossont
Director, Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Dear Mr. Ossont:

Thank you for the opportunity to review the Revised Traffic Impact Study Report by The Traffic Group, Inc. dated January 23, 2008 (received by the EAPD on February 15, 2008) that was prepared for the proposed Residences at Olde Town development within the City of Gaithersburg, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 200 Multi-Family Dwelling Units is proposed from one (1) full movement site access driveway on MD 117A (across from Barrons Lumber Yard Site Access Drive) and one (1) full movement site access driveway on Water Street.

- The developer's traffic consultant determined that the proposed development could be supported by the surrounding roadway network. However, the Critical Lane Volume (CLV) intersection capacity analyses calculations were not provided with the report.

As noted above, the CLV analyses were not included in the appendix of the report. Therefore, SHA recommends that the City of Gaithersburg require the applicant to submit the CLV calculations so that SHA can verify the report findings.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact John Borkowski at (410) 545-5595 or jborkowski@sha.state.md.us.

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#38
Z-308(O)
4-21-08

If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. John Borkowski, SHA EAPD
Mr. Glenn Cook, The Traffic Group, Inc.
Mr. Robert French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Jeff Wentz, SHA Office of Traffic & Safety

Loiederman
Soltesz Associates, Inc.

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www.LSAssociates.net

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MAR 2 1 2008
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Transmittal

To:	Maryland State Highway Administration	Date:	March 20, 2008
	Engineering Access Permits Division	Subject:	Residences at Olde
	707 N. Calvert Street		Towne
	Baltimore, MD 21202		
Attn:	Steven Foster	Project #:	2990-02-00

The following items are transmitted: ☒ Herewith ☐ Separate Cover ☐ Via Messenger ☒ Overnight

Copies	Pages	Description
1	1	State of Maryland DOT SHA State Roads Commission Plat 57622
1	3	Copy of original Point-by-Point Response Letter addressed to Steven Foster

The above items are submitted: ☐ At your request ☒ For your review ☐ For your files
☐ For your approval ☒ For your action ☒ For your information

General Remarks:
Dear Mr. Foster,

Enclosed is a copy of the SHA plat # Plat 57622. This plat was to be included with the original letter addressed to you as noted under item # 9. (A copy of the letter is enclosed for your reference.) Please note LSA has yet to receive a signed copy thus the enclosed plat is not signed.

Should you have any questions, please feel free to contact me or Steve Tawes at 301-948-2750.

Copies to:
Rich Koch, KeystoneREI (Encls)
Greg Ossont, City of Gaithersburg (Encls)
Steve Tawes, LSA
Jody Kline, Miller, Miller & Canby

By: Theresa Polizzi

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4-21-08

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Soltesz Associates, Inc.

RECEIVED
MAR 27 2008
PLANNING & CODE ADMINISTRATION

March 25, 2008

Mr. Eli Golfer
City of Gaithersburg
Environmental Services Division
31 South Summit Avenue
Gaithersburg, MD 20877

Re: Residences at Olde Towne
Preliminary Forest Conservation and Landscape Plan Review
LSA Project # 2990-02-00

Dear Mr. Golfer:

The following is a point-by-point response to your review completed on December 11, 2007, for the Residences at Olde Towne (Pi-V070016) Preliminary Forest Conservation Plan and Landscape Plan.

Review Comments

1. It is City policy to require onsite afforestation and reforestation. The afforestation requirement of 0.24 acres and reforestation requirement of 0.78 must be met onsite. The afforestation requirement can be credited with the area of critical root zone not impacted or put under pervious surfaces for tree 6, 48" White Oak. Up to 25% of the reforestation requirement can be meet with landscaping and street trees, the remaining requirement bust be met in area(s) at least 35 wide and at least 2,500 square feet. The plan needs to be revised to meet this requirement.

   Of the 1.02 ac required for afforestation and reforestation a combination of afforestation, reforestation, landscape credit, non-impacted area of Tree 6 and a payment in-lieu of fee will be used to meet the requirements.

2. Stormwater management easements and forest conservation easements cannot over lap. The afforestation needs to be provided its own space.

   No forest conservation easements are proposed to be established onsite.

3. The existing underground oil storage tank must be removed per MDE's requirements.

   The underground storage tank was removed on December 19, 2007.

4. Offsite trees including 10, 13 and all the other trees within the vegetated hedgerow cannot be removed. Impacts to these trees would require the property owner's permission.

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4-21-08
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Permits to remove the trees and work in the SHA right-of-way will be obtained before the work in the right-of-way is commenced.

5. Show the critical root zones for the offsite trees. Impacts to these critical root zones will need to be addressed to ensure their survivability.

   The critical root zones for offsite trees are shown on the revised plan. The impacts to these critical root zones will be protected with root pruning and tree protection fencing, (See the Root Pruning detail on Sheet 2.)

6. The LOD needs to be adjusted to go between Tree 6 and 7 and the impacted construction area to prevent any impacts to those trees.

   The LOD has been adjusted to protect Tree 6. Future sidewalks and work within the critical root zone of Tree 6 will be designed in a manner that limits the adverse impact on the roots. It should be noted that the asphalt parking lot that currently covers a good portion of the root zone of Tree 6 is to be removed and planted with grass and planting. Further design considerations for tree protection will be developed to protect Tree 6 during final design. The critical root zone of Tree 7 is impacted by the proposed relocation of a portion of the 60" storm drain pipe but most of the critical root zone of Tree 7 is in the existing storm drain easement for the 60" storm drain pipe and/or the SHA right-of-way.

7. The LOD needs to be adjusted around Tree 6 to limit impacts.

   The LOD has been adjusted to limit impacts to Tree 6. Further design considerations for tree protection will be developed to protect Tree 6 during final design.

8. Show the existing FEMA 100 Year Floodplain.

   The FEMA 100 Year Floodplain has been shown.

9. Show the proposed sediment control measure to be used during the demolition and construction of the building.

   The sediment control measure is the Tree Save/Super Silt Fence detail shown on Sheet 2.

10. Hatch the existing forest and provide a different hatch for the area of forest to be cleared. Minimize impacts to the existing forest and critical root zones.

    Both "Existing" and "To Be Cleared Forest" areas have been hatched. (See Sheet 1.)

11. Include a summary of the forest conservation worksheet.

    A summary has been placed on Sheet 1. The summary includes the following; existing forest, cleared forest area, afforestation requirement, reforestation requirement, total afforestation/reforestation requirement, and 25% landscape credit towards afforestation/reforestation.

12. The Root Pruning detail is labeled Construction Fence for Tree Protection.

    The Root Pruning detail is labeled this way in the "City of Gaithersburg Tree Manual". The Root Pruning detail has been correctly labeled and can be found on Sheet 2.

13. On page 2, the descriptive text for the Combined Silt Fence, Construction Fence, Concrete Walk Over, and Root Pruning details is hard to read.

    Details have been modified to make the text legible.

14. Show the proposed streetlights and fire hydrants.

    The location of proposed streetlights and fire hydrants are to be determined at site plan but will be in the public right-of-way.

15. Show the existing trees to remain per the Forest Conservation Plan.

    The existing trees that are to remain have been shown more clearly.

16. Permission must be granted from SHA to plant the proposed shade trees and landscaping offsite as indicated on the plan.

    Only street trees are shown to be planted in the SHA right-of-way. Permits for this work will be obtained from SHA prior to the commencement of the work.

17. Has a wildlife inventory been conducted to see what exits on or pass through the properties?

    The Wildlife Management Report states that the property "is fully developed", with wildlife on the property being limited to wildlife species found in densely developed areas. (See attached Wildlife Management Report)

18. Under *Environmental Setting and Natural Features,* include what urban species might be problematic.

    There are no urban species that are considered problematic. The Wildlife Management Report states that the property "is fully developed", with wildlife on the property being limited to wildlife species found in densely developed areas.

19. Under *Potential Effects of Development Activities on Wildlife,* provide education to contractors on how to avoid impacts to wildlife and what to do if wildlife is injured during any construction activities.

    The Wildlife Management Report indicates that no wildlife other than that found in typical urban settings, exists on the property. As such, the development activities are not expected to result in any significant impacts to wildlife.

Please feel free to contact me if you have any questions or comments.

Sincerely,
LOIEDERMAN SOLTESZ ASSOCIATES, INC.

Stephen Tawes, RLA
Associate

Enclosures

Cc: Richard Koch, Keystone REI (Encl.)
Theresa Polizzi, LSA
Jody Kline, Esq., Miller, Miller and Canby (Encl.)
Lauren Pruss, City of Gaithersburg
Jacqueline Marsh, City of Gaithersburg (Encl.)

Loiederman
Soltesz Associates, Inc.

RECEIVED
MAR 27 2008
PLANNING & CODE ADMINISTRATION

Wildlife Management Report
The Residences at Olde Towne

The Residences at Olde Towne, consists of the redevelopment of an existing multi-family residential property in the City of Gaithersburg. The Residences at Olde Towne project proposes to construct 191 multi-family residential housing units. Article III, § 31 of the City of Gaithersburg's *Environmental Standards for Development* states that, where development is expected to impact wildlife or their habitats on a site, wildlife management recommendations shall be incorporated into the site development package as a wildlife management report or plan. This report describes the existing project site conditions and the potential impact of the development to wildlife and their habitats.

EXISTING AND PROPOSED DEVELOPMENT

The Residences at Olde Towne property is located at the southeast corner of the intersection of West Diamond Avenue (MD 117) and Water Street. The general area surrounding the property consists of multi-family residential, single-family residential and commercial development. The property is bounded by Water Street to the west, West Diamond Avenue (MD 117) to the north, and a service road connecting South Frederick Avenue (MD 355) to West Diamond Avenue (MD 117) to the east. The south side of the property borders a small vacant lot and an adjacent developed property.

Currently, the property consists of two multi-family residential buildings, associated parking and drive areas, lawn areas, and a small wooded area. Trees are scattered throughout the property, with the majority located in the southernmost portion. The proposed redevelopment of the property will replace the two existing multi-family residential buildings with a single 191 unit building.

ENVIRONMENTAL SETTING AND NATURAL FEATURES

The property is fully developed with the majority of the property occupied by buildings and associated infrastructure or maintained as lawn. There is a small wooded area in the southernmost portion of the property. There is also a narrow hedgerow located within the service road right of way adjacent to the eastern property boundary. There are no other natural areas adjacent to the property. There are no wetlands, streams, or other aquatic features on the property. Wildlife on the property would be limited to typical urban species found in densely developed areas.

POTENTIAL EFFECTS OF DEVELOPMENT ACTIVITIES ON WILDLIFE

It is unlikely that wildlife, other than that found in typical urban settings, exists on the property. As such, the development activities are not expected to result in any significant impacts to wildlife. Construction activities may result in the temporary displacement of some urban wildlife species.

JOINT EXHIBIT
#42
Z-308(6)
4-21-08
PENGAD 800-631-6989

2 Research Pl., Suite 100 • Rockville, MD 20850 • T: 301.948.2750 • F: 301.948.9067 • www.LSAssociates.net
Moving development forward.

RECOMMENDATIONS

Any onsite tree removal should be timed to avoid active nesting periods. If this is not possible, trees should be checked for active nests prior to tree removal. Similarly, prior to the onset of grading activities, lawn/open areas should checked for active ground burrows. If active ground burrows are present, animals utilizing these burrows should be relocated prior to grading. Grading activity should be avoided during the winter dormancy period, if possible.

After construction, measures should be taken to prevent problematic human-wildlife interactions. These measures should include refuse containers/dumpsters that are inaccessible by wildlife, litter control to prevent attracting nuisance wildlife, proper cleaning and maintenance of community picnic/barbecue areas, secure covers for community outdoor barbecues, and educational materials to inform residents on how they can avoid attracting wildlife conflicts.

WASHINGTON SUBURBAN SANITARY COMMISSION
14501 Sweitzer Lane • Laurel, MD 20707 • 301-206-8000
www.wsscwater.com • TTY: 301-206-8345

TO: JACQUELINE MARSH, PLANNING AND CODE ADMINSTRATION
CITY OF GAITHERSBURG

FROM: WAYNE BLACK, DEVELOPMENT PROJECT MANAGER
DEVELOPMENT SERVICES GROUP
PHONE #301-206-8751
E-MAIL – wblack@wsscwater.com

DATE: APRIL 7, 2008

SUBJECT: RESIDENCES @ OLD TOWN - PHASE II

Site Plan Number: **Z-308**

The above referenced submittal has been reviewed with the following comments:

- ☐ Water and Sewer Extension will be required.
- ☒ Water and Sewer is available.
- ☐ Existing WSSC facilities are located on the site. Submission should be made to the WSSC. Call Development Services Center at 301-206-8650.
- ☒ Onsite plan review package should be submitted. Contact our Permit Services Unit at 301-206-4003 for additional information. _____
- ☐ Project # is an unapproved project within the limits of this proposed site. Contact at 301-206- for additional information.
- ☐ Additional Rights-of-Way may be required. _____
- ☒ Other: Show ALL water and sewer mains in Water Street and East Diamond Avenue. Existing water and sewer connections will need to be abandoned.
- ☐ No comment.

Referral [illegible]

JOINT EXHIBIT
#44
Z-308(6)
8-13-4
PENGAD 800-631-6989

Minimum Square Footage Required	Maximum Number of Occupants
250	1
450	2
650	3
850	4
1050	5
1250	6
1450	7
1650	8

PENGAD 800-631-6989
JOINT EXHIBIT
#45
Z-308(0)
4-21-08

Jacqueline Marsh - Residences at Olde Towne - Green Space and Building Coverage Percentages

From: "Richard Koch" <rkoch@keystonerei.com>
To: <jmarsh@gaithersburgmd.gov>, <gossont@gaithersburgmd.gov>
Date: 04/14/2008 2:12:16 PM
Subject: Residences at Olde Towne - Green Space and Building Coverage Percentages

Actual green space and building coverage percentages are below:

Green space:	0.948 ac (44.3%)
Building Coverage:	1.103 ac (51.5%)
Pavement:	0.091 ac (4.2%)
Total Area:	2.142 ac. (100%)

PENGAD 800-631-6989
JOINT EXHIBIT
#46
Z-308(D)
J-21-08

From: Eli Golfer
To: stawes@LSassociates.net
Date: 03/28/2008 10:18:56 AM
Subject: Residences at Olde Town, Phase 2

Hey Steve,

I received the revised PFCP for the Residences at Olde Town, Phase 2 yesterday. The plan shows offsite forest to be cleared. Since this offsite forest was not delineated on the Approved NRI/FSD, you will need to submit an amended NRI/FSD that delineates all the impacted forested areas weather onsite or not. Call me if you have any questions.

Eli Golfer
Environmental Specialist
egolfer@gaithersburgmd.gov
31 South Summit Avenue
Gaithersburg, MD 20877
(301) 258-6310 Voice
(301) 948-6149 Fax

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

Please consider the environment before printing this e-mail.

CC: Marsh, Jacqueline

PENGAD 800-631-6989
JOINT EXHIBIT
#49
Z-308(o)
4-21-08

Gaithersburg

City of Gaithersburg
Environmental Services Division

PFCP and Landscape Plan Review for
Residences at Olde Towne Phase 2

Applicant:	Loiderman Soltesz Associates 2 Research Blvd Rockville, MD 20850	Application #	Pi-V070016
		Date:	March 28, 2008
		Reviewer:	Eli
		Contact:	Eli
		App. rec'd:	September 7, 2007

The following review comments are based on the Preliminary Forest Conservation Plan (PFCP) submission of March 27, 2008.

General Comments:

1. An error has been located in the City's forest conservation worksheet calculations. After double checking the forest conservation calculations using Montgomery County's worksheet, it was discovered the that the site currently requires 0.26 acres of afforestation and 0.06 acres of reforestation. It remains the City's policy to require onsite afforestation and reforestation. The afforestation requirement can be credited with the area of critical root zone, not impacted or put under pervious surfaces for tree 6, 48" White Oak. Up to 25% of the reforestation requirement can be meet with landscaping and street trees, the remaining requirement must be met in an area(s) at least 35 feet wide and at least 2,500 square feet. The plan needs to be revised to meet this requirement.

2. Stormwater management easements and forest conservation easements can not over lap. The afforestation needs to be provided its own space.

3. [illegible]

4. Offsite trees, forests, and vegetated areas to be removed and impacted by this development require the property owner's permission prior to the approval of the Final Forest Conservation Plan.

[illegible]

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#50
Z-308(0)
4-21-08

[illegible]

[illegible]

[illegible]

[illegible]

The plan actually shows a tree protection fence and combined super silt fence. Which one will be used or will they each be used in different locations? With the use of a Combined Super Silt Fence/Tree Protection Fence, include the following note "When Combined Super Silt Fence/Tree Protection Fence is used, root pruning shall occur on the LOD where the fence will be erected."

10. Hatch the existing forest and provide a different hatch for the area of forest to be cleared. Minimize impacts to the existing forest and critical root zones.

[illegible]

12. Provide an enlarged view of the forest area to be clear that clearly shows the forest limits and specimen trees to be saved and removed. On the current plan, this area hard to see.

Page 2:

[illegible]

Landscape Plan

15. Show the proposed street lights and fire hydrants.

16. Show the existing trees to remain per the forest conservation plan.

17. Permission must be grated from SHA to plant the proposed shade trees and landscaping offsite as indicated on the plan prior to the approval of the plan.

Wildlife Management Plan

18. Has a wildlife inventory been conducted to see what exists on or pass through the properties? Phase 2 has a potential wildlife corridor along the southern end where the forest exists.

    The property is not fully developed and does contain forest and other

vegetated areas. Revise the Wildlife Management Plan to include the species that observed on site or use the site as a migration corridor.

19. Under *Environmental Setting and Natural Features*, include what urban species might be problematic.

20. Under *Potential Effects of Development Activities on Wildlife*, provide education to contractors on how to avoid impacts to wildlife and what to do if wildlife is injured during any construction activities.

From: Eli Golfer
To: Baker, Nick
Date: 04/17/2008 11:07:08 AM
Subject: RE: Residence at Olde Towne - Phase II NRI

Nick,

Attached to this email you will a marked-up plan. Many of the trees shown on the plan were not shown in their exact, field locations. I did my best to estimate their exact locations, but to be 100% accurate, this site might need to be resurveyed. I also used the plan submitted on 9/04/07 because it was the only clean copy of the plan I had. Aside from the forest stand line, the rest of the data remained the same as on your latest submission

You will see I drew in the newly acquired area from SHA because it was not on the copy of the plan I used. You will also see what the City believes is the actual limit of the forest. It begins above the 4 trees that are north of tree 13 and extends south and west and includes tree 12. It is bounded on the south and east by the property line. The reason this area is considered forest is because it meets the requirements of a forest and is it part of the larger stand of forest that extends off the property. We measured the entire forest stand, which is contiguous to the forest onsite, as being over an acre.

Also note, there was specimen tree left of the plan within the forest, just east tree 12. Please submit to us a revised NRI/FSD that shows the actual locations of the trees in the forest and the actual forest stand. I would be happy to meet you onsite to review you delineation prior to approving this plan.

Eli Golfer
Environmental Specialist
egolfer@gaithersburgmd.gov
31 South Summit Avenue
Gaithersburg, MD 20877
(301) 258-6310 Voice
(301) 948-6149 Fax

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

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>>> "Nick Baker" <nbaker@lsassociates.net> 04/17/2008 8:46 AM >>>

Ok great! We will use the recommendations of the City of Gaithersburg to amend the treeline and I will do my part here to press to the project managers and client to accept these recommendations as well. Believe me I'm about as happy as you having to revise this plan so often.

Thanks again for your help.

Nicolas Baker, LEED AP

Environmental Scientist

LOIEDERMAN SOLTESZ ASSOCIATES, INC.
| 2 Research Place, Suite 100 | Rockville, MD 20850 |
t: 301.948.2750 x242 f: 301.948.9067

PENGAD 800-631-6989
JOINT EXHIBIT
#51
Z-308(0)
4-21-08

www.LSAssociates.net

-----Original Message-----
From: Eli Golfer [mailto:egolfer@gaithersburgmd.gov]
Sent: Thursday, April 17, 2008 8:40 AM
To: Nick Baker
Subject: RE: Residence at Olde Towne - Phase II NRI

Nick,
Since we can not agree on the forest stand on site, I just went out to revisit the site with the latest data you provided. I will mark up a plan and email it to your shortly...

Eli Golfer
Environmental Specialist
egolfer@gaithersburgmd.gov
31 South Summit Avenue
Gaithersburg, MD 20877
(301) 258-6310 Voice
(301) 948-6149 Fax

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>>> "Nick Baker" <nbaker@lsassociates.net> 04/16/2008 3:55 PM >>>
Eli

I am sorry about the delay to your response, I will try best to explain this miscommunication.

About your questions concerning the revised tree line. The changes in the tree line are due to new information provided by to us by a field survey of the site, compiled by a survey crew. This survey accounts for the more detailed topo and the revised tree line. The original NRI was compiled using Park and Planning topo and aerials, as it was all we had access to at the time. Using this method, the tree line shown on the aerial is most likely showing the canopy line and not the actual tree line, depending on the season the aerial was taken. However, usually the difference between the two is minute, but field survey is always more accurate.

This new survey data was collected and imported into the Preliminary Forest Conservation Plan back in February. As it was noted on the PFCP and there were no comments by the City of Gaithersburg concerning the revision of the tree line during the PFCP review, I had assumed the City of Gaithersburg was aware of the change in the forest line from 0.08 acres to 0.06 acres. With the addition of the new parcel, which is largely all forested, the new forest cover on site is now 0.1 acres. Otherwise I would have made a note on the NRI revision.

To answer your other question concerning forested flood plain. The revisions to the tree line have reduced the area of forested flood plain from 0.03 acres to 0.015acres. The majority of the new SHA property is

not in the flood plain, thus the over flood plain area has only increased from 0.23 acres to 0.28 acres.

Hopefully this explains the situation more thoroughly. Again I apologize that I had not noted on the revised NRI about the change in tree line, I had assumed the City was aware of the change.

Please let me know if you have any questions or additional comments.

Thanks

Nicolas Baker, LEED AP
Environmental Scientist

LOIEDERMAN SOLTESZ ASSOCIATES, INC.
| 2 Research Place, Suite 100 | Rockville, MD 20850 |
t: 301.948.2750 x242 f: 301.948.9067
www.LSAssociates.net

-----Original Message-----
From: Eli Golfer [mailto:egolfer@gaithersburgmd.gov]
Sent: Tuesday, April 15, 2008 11:04 AM
To: Nick Baker
Cc: Jacqueline Marsh
Subject: Re: Residence at Olde Towne - Phase II NRI

Hey Nick,
I am looking at the revised NRI/FSD and the forest stand line is
different from the approved NRI. See the attached image. Please explain why the forest stand line has changed. We were assuming the forest would expand with the addition of the SHA property, but the onsite stand should not have changed. Only the additional forest from the SHA property should be added to the existing stand. Also, why has
the forested floodplain decreased when the area of the forest increased?

Eli Golfer
Environmental Specialist
egolfer@gaithersburgmd.gov
31 South Summit Avenue
Gaithersburg, MD 20877
(301) 258-6310 Voice
(301) 948-6149 Fax

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>>> "Nick Baker" <nbaker@lsassociates.net> 04/09/2008 1:00:17 PM >>>
Eli,

I hope all is well.

So I heard that this project keeps popping back up.

In response to your comments on the PFCP about the offsite cleaning, the
boundary has changed to include most of the offsite area. Since the property owner did actually acquire property from the SHA we have updated the NRI to reflect this change. There still will be some additional offsite cleaning of the vegetative hedge row in the remaining
SHA property to allow for a road connection and associates grading and utilities, however I am not associated with the PFCPdesign at this point.

I have revised the NRI to reflect the updated property ownership and boundaries, as well as updating all the forest areas. I could not do just a simple redline, since the changes were to drastic, so I will submit to you both a copy of the approved NRI redline from 9/27/07 and this new NRI.

Please let me know if this is acceptable for you. Also let me know if you have any questions or comments. I will submit the new NRI to your office later this afternoon.

Thank you very much.

Nicolas Baker, LEED AP

Environmental Scientist

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| 2 Research Place, Suite 100 | Rockville, MD 20850 |
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www.LSAssociates.net <http://www.lsassociates.net/>

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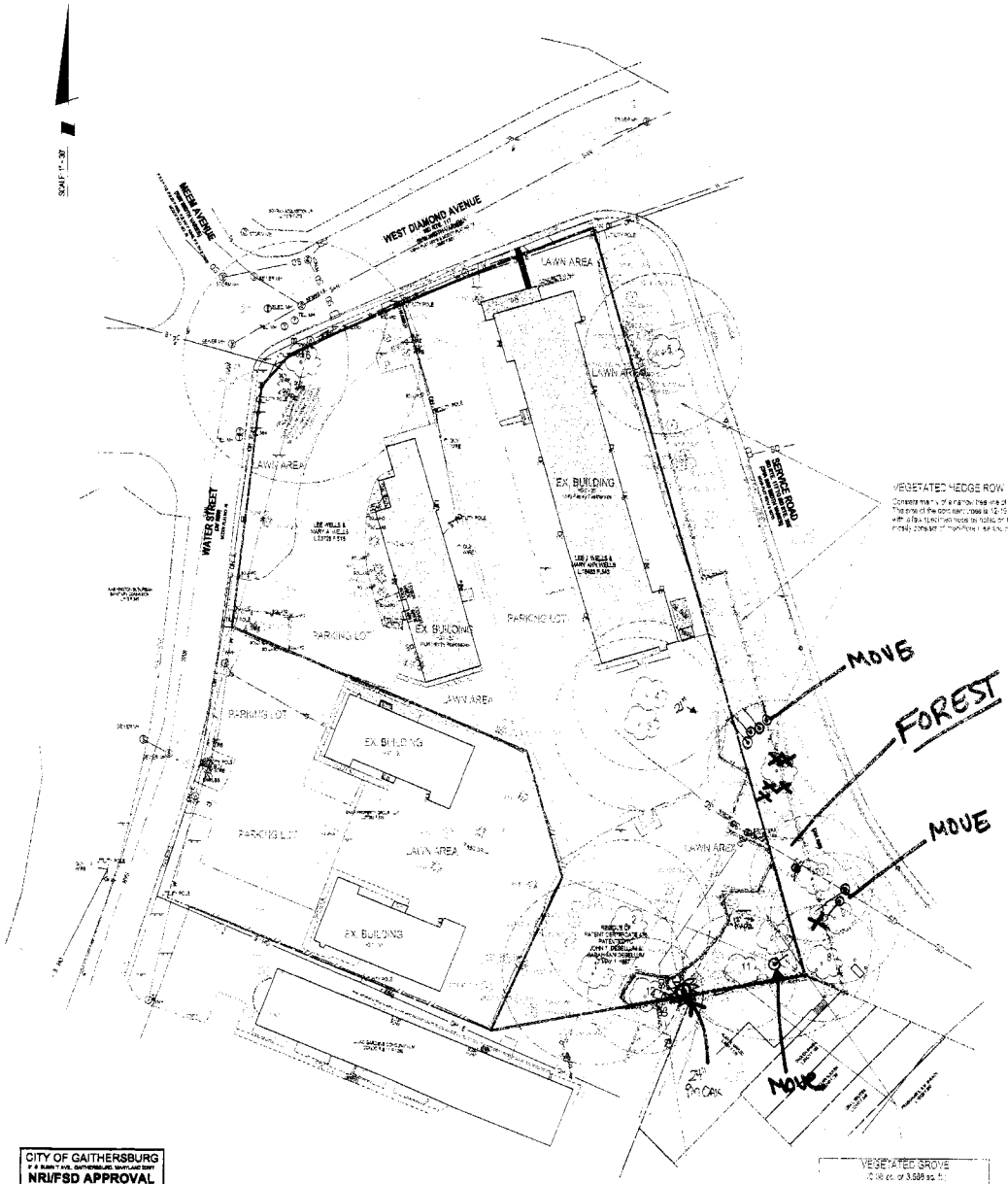
CC: Marsh, Jacqueline



Speicmen Tree List

Note:. Tree locations were located by field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Remarks / Condition
1	Silver Maple	*Acer saccarinum*	38	Fair, DBH est. due to poison ivy
2	Silver Maple	*Acer saccarinum*	35	Poor, 1 dead lead & other lead shows extensive decay
3	Pin Oak	*Quercus Palustris*	36	Good
4	Pin Oak	*Quercus Palustris*	31	Good
5	Black Gum	*Nyssa Sylvatica*	33	Fair
6	White Oak	*Quercus alba*	50	Good
7 ✓	Silver Maple	*Acer saccarinum*	42	Fair, multi-lead
8 ✓	Pin Oak	*Quercus Palustris*	24	Good
9 ✓	Silver Maple	*Acer saccarinum*	27	Good, DBH est. due to heavy vines around base
10 ✓	Silver Maple	*Acer saccarinum*	26	Good
11 ✓	Pin oak	*Quercus Palustris*	24	Fair
12 ✗	Pin Oak	*Quercus Palustris*	24	Good
13 ✓	Box Elder	*Acer negundo*	29	Fair

30'+ ~~Cluster~~ SILVER MAPLE

VICINITY MAP
SCALE: 1"=2000'

ADC Permitted Use #20611199

Soils Chart

Table 1. Residences at Olde Towne Soil Types
US Soil Survey of Montgomery County, MD, 2005

SOIL TYPE	SLOPE	DESCRIPTION
2B—Glenelg Silt Loam	3 - 8% Slopes	Prime farmland. This soil is well drained. The slowest permeability within 60 inches is moderate. Available water capacity is very high and shrink swell potential is low. This soil is not flooded and is not ponded. The water table is deeper than 6 feet. Capability class is 2e. This is not a hydric soil.

LEGEND

DESCRIPTION	SYMBOL
BOUNDARY	
EX. TREELINE	
CABLE ELECTRIC/TELEPHONE MANHOLE	Ⓒ Ⓔ Ⓣ
CABLE ELECTRIC/TELEPHONE VAULT	
SIGN (SINGLE POST/DOUBLE POST)	
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	
LIGHT POST	
FIRE HYDRANT	
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	
STORM DRAIN LINE WITH STORM DRAIN MANHOLE/INLET	
WATER LINE WITH WATER MANHOLE/METER/VALVE	
CURB/EDGE OF PAVEMENT W/ SIDEWALK	CONC. WALK / CONC. CURB / EDGE OF ASPHALT
FENCE (WOOD)	
RETAINING WALL	EX. RET. WALL
EX. BUILDING	
LAWN/GRASS AREA	
TREE IS 25" SPECIMEN	
SPECIMEN SIGN. TREE ROOT ZONE	
SOILS BOUNDARY/ SOIL LABEL (NATURAL RESOURCES SURVEY OF MONTGOMERY COUNTY)	AdB2 / C1

NATURAL RESOURCES INVENTORY – GENERAL NOTES

1. **Site Description & History**
   - **Gross Tract Area: 2.14 Acres**
   - The property consists of two existing multi-family apartment building and associated parking lots and maintained lawns. A forested area consisting of shrubs and trees exists along the eastern and southern property boundary.
2. **Vegetation**
   - **Total Forested Area: 0 acres**
   - Where appropriate, specimen or significant trees (generally those trees ≥ 24 inches DBH or 75% of the diameter size of the currently listed State Champion for a given species) are noted on the NRI plan.
   - There are 13 specimen trees located on the property. These trees were field located.
3. **Hydrology**
   - **Watershed:** Great Seneca creek, Long Draught Branch, Use I.
   - **Wetland Area**: 0 Acres , **Forested Wetland Area**: 0
   - Evidence of ponding caused by stormwater runoff and backflow due to malfunctioning sewer drains, exists in the southeast corner of the property. At times of heavy rainfall flooding has occurred due to these malfunctions, which over time has resulted in the emergence of some hydrophilic species. No natural wetlands or streams exist on site.
   - Wetland information on this plan is from a study preformed by: LSA, Inc. dated June 27, 2007.
   - **Stream valley buffers (SVB)**: 0 Acres, **Forested SVB**: 0 Acres
   - **Floodplain Area**: 0 Acres, **Forested Floodplain**: 0 Acres
4. **Topography**
   - The topography shown on this plan is from field survey, dated August 2007.
5. **Rare, Threatened or Endangered Species**
   - No rare, threatened, or endangered (RTE) species were observed during the field visit. An inquiry to the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Division was made in August 2007 requesting any information on recorded occurrences or potential for RTE species for the property and the immediate vicinity. A response has not yet been received.
6. **Historical Features**
   - **Historical Features:** No historic feature exist onsite. (Source: Location Atlas and Index of Historic Sites for Montgomery County, Maryland (MNCPPC, 1976)).
   - **Scenic/Historic Roads:** No Scenic Historic Roads exist onsite. (Source: Designated Scenic and Historic Road list of Montgomery County, MD.)

CITY OF GAITHERSBURG
P. O. BOX 1774, GAITHERSBURG, MARYLAND 20877
NRI/FSD APPROVAL
THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF NATURAL RESOURCE INVENTORY/ FOREST STAND DELINEATION
FOR APPLICATION NO. _____
DATE _____ BY _____

VEGETATED GROVE
(0.08 ac. or 3,588 sq. ft.)
NOT CONSIDERED FOREST (Consists mainly of pin oak and silver maple. The size of the dominant trees is 12-15 inches diameter at breast height (4ft.) or the specimen trees as noted on the plan. The canopy coverage in the vegetated area is well developed averaging 80%. The understory mostly consists of sapling, multi-stemmed trees and native sapling.

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Chantilly

No.	Revisions	By	Date
3	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	09/04/07
2	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/28/07
1	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/22/07

Date: 08/09/2007 Sub. Boundary Version: VER 3
Designed: CB Drawn: JS Checked: KB

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Map	Grid
FT 561	B-9

Tax Map	Zoning Category
FT 561	RPC

MNCPPC 200' Sheet: 225 NW 10
WSSC 200' Sheet: 225 NW 10

KEN BROWN
LICENSED PROFESSIONAL ENGINEER
MARYLAND

MISS UTILITY NOTE
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY CAREFUL TEST PITS BY HAND WELL IN ADVANCE OF THE PLACING OF PIPE OR OTHER UTILITY BY HAND DIGGING TO THE PLANS PRIOR TO ANY EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

NATURAL RESOURCE INVENTORY
FOREST STAND DELINEATION

RESIDENCES AT OLDE TOWNE
PHASE 2
9TH ELECTION DISTRICT - GAITHERSBURG

DATE UNIT: 1" = 30'
SHEET ___ OF ___
PROJECT NO. 2990-01-00

Jacqueline Marsh - Fwd: Residences at Olde Towne

From: Jacqueline Marsh
To: Ossont, Greg; Pruss, Lauren
Date: 04/18/2008 10:58:06 AM
Subject: Fwd: Residences at Olde Towne

>>> "Richard Koch" <rkoch@keystonerei.com> 04/18/2008 10:44 AM >>>
FYI
-----Original Message-----
From: Theresa Polizzi, RLA [mailto:tpolizzi@lsassociates.net]
Sent: Friday, April 18, 2008 10:24 AM
To: 'Richard Koch'
Cc: 'Steve Tawes, RLA'
Subject: RE: Residences at Olde Towne

Rich,

The area for the public use park is roughly 0.15 ac (6,377.94 sf). The playground area on the Bermuda Triangle area is roughly 0.16 ac (7,029.70 ac).

Sincerely,
Theresa

P: 301.948.2750
F: 301.977.4645
E: tpolizzi@lsassociates.net

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From: Richard Koch [mailto:rkoch@keystonerei.com]
Sent: Friday, April 18, 2008 7:26 AM
To: Theresa Polizzi, RLA
Cc: Steve Tawes, RLA
Subject: Residences at Olde Towne

Theresa:

City staff wanted us to know the sq.ft. in the public use park on the corner inside of the circular wall. Will you let Steve and I know?

Rich

PENGAD 800-631-6989
JOINT EXHIBIT
#52
Z-308(0)
4-21-08

Jacqueline Marsh - Residences at Olde Towne Park

From: "Richard Koch" <rkoch@keystonerei.com>
To: <JMarsh@gaithersburgmd.gov>, <gossont@gaithersburgmd.gov>
Date: 04/21/2008 9:06 AM
Subject: Residences at Olde Towne Park

Jackie and Greg:

FYI. Attached are before and after images of the Residences at Olde Towne Park as viewed from the intersection of Water Street and W. Diamond Avenue as it exist today and as it will look in the future if the Residences at Olde Towne plan is approved.

Rich

JOINT EXHIBIT #53 Z-308(o) 4-21-08

PENGAD 800-631-6989

PENGAD 800-631-6989

JOINT EXHIBIT

#53(a)

Z-308(O)

4-21-08

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 21, 2008

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Greg Ossont, Director Planning and Code Administration

Lauren Pruss, Planning Director

Jacqueline Marsh, Planner

AGENDA ITEM:
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	4/2/08
	4/9/08
Hearing Date	4/21/08
Record Held Open	
Policy Discussion	

TITLE: Z-308(o), Residences at Olde Towne

This application requests rezoning of 2.1416 acres of land from R-20 (Medium Density Residential) to CBD (Central Business District) in accordance with §24-196 (Map Amendments) and §24-198 (Optional Method) of the City Code. The property is located at 1 Water Street and 49 West Diamond Avenue, and is commonly known as Diamond House and Diamond Acres (Parcels 184 & 185). The schematic development plan proposes a 191-unit multiple-family building with structured parking.

SUPPORTING BACKGROUND:

Jody Kline, of Miller, Miller, and Canby, representing the applicant, Keystone Real Estate Investments, has submitted an application, Z-308(o), requesting a change from the R-20 (Medium Density Residential) Zone to the Central Business District (CBD) Zone. The subject property is located at the intersection of Water Street and West Diamond Avenue. The State Highway Administration (SHA) service ramp, which leads from West Diamond Avenue to southbound Route 355, South Frederick Avenue, is located to the east of the property. Two apartment complexes, Diamond House and Diamond Acres, exist onsite, and are addressed as 1 Water Street and 49 West Diamond Avenue. See the site location map, Exhibit #2.

This site was reviewed and included as Map Designation #9 in the City's Land Use Element of the 2003 Master Plan (Exhibit #19). The Plan recommends that the site be rezoned to Central Business District and that the properties be consolidated and redeveloped as residential units. This project should also serve as a gateway for the Central Business District.

The applicant is proposing to redevelop the site with a 191-unit multiple-family building with structured parking. The proposed unit mix is listed in Exhibit #9. Please note there are 65 studio units proposed as part of this project. The studios range in size between 519 and 880 square feet which is a half to two-thirds the size of a typical one bedroom unit in other multi-family projects. As such, the unit count is seemingly high although the footprint and size of the buildings are quite comparable to other multi-family projects in the City. For your review, staff has included a maximum occupancy table (Exhibit #45) which indicates the maximum number of occupants that may inhabit the various unit types.

The site is also served by mass transit including three bus routes with direct access to Shady Grove and the Rockville Metro stations as well as within a five-minute walk to the MARC rail station (Exhibits #16, 17). In accordance with the optional method of rezoning, the applicant has submitted the required covenants and development standards #8).

Attachments:
Z-308(o) Index of Memoranda and Exhibits identified in **bold**

80.1e.h
JOINT EXHIBIT #55
Z-308(o)
PENGAD 800-631-6989

DESIRED OUTCOME:

Hold public hearing.
Staff recommends that the Planning Commission hold the record open until 5 PM May 21, 2008 (30 days) with anticipated recommendation on June 4, 2008.
Staff recommends that the Mayor and City Council hold their records open until 5 PM June 6, 2008 (46 days) with anticipated policy discussion on June 16, 2008.

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STRATEGIC DIRECTION #1	**Ensure that all planning and development considers and responds to the City's environmental, transportation, economic, social, and civic needs**
Team Leader	Greg Ossont, Director of Planning and Code Administration
Contributing Members	Fred Felton, the Long Range Planning Team and the Community Planning Team

BACKGROUND

- The City has adopted a Smart Growth Policy as a broad guidance document that relates to many facets of City government. This Strategic Direction is primarily focused on planning, zoning and development issues. The Mayor and City Council have determined that these issues are paramount in maintaining and establishing the high quality of life the City enjoys.
- Many residents and businesses of the City have expressed great interest in land use decisions, and these decisions can have significant impact on their lives.
- It is essential that the City's remaining vacant land be developed in a high quality manner. It is also essential that in-fill development utilize Smart Growth and traditional neighborhood design as appropriate, and be developed in accordance with the themes in the Master Plan.

APPROACH

- The impact on transportation, schools, other public facilities, and the environment must be considered when approving new development and redevelopments.
- The Long Range Planning and Community Planning Teams, within the Planning and Code Administration, are the primary groups responsible for carrying out actions related to this Strategic Direction.
- Public participation should be all-inclusive by involving all of the major interest groups in the City.
- The City will work in close partnership with the State of Maryland, Montgomery County, the Board of Education, and the Maryland Department of Transportation to address transportation, open space and school capacity issues.
- Utilize effective methods of educating participants on the issues at hand using appropriate visionary and graphic techniques and advanced technology tools.
- Utilize creative tools for presenting proposed ideas so that citizens, staff and appointed/elected officials can easily envision the existing and future state of the City.
- Address broad areas of concern such as: future fiscal health of the City; future housing mix and affordability and demographic makeup of the City; future of the City's transportation network; and quality of life issues (i.e., health of aging neighborhoods and businesses).

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JOINT EXHIBIT
#56
Z-308(0)
4-21-08

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
1. Update Master Plan.	Kentlands Boulevard Commercial District Special Study Area: Continue to research and analyze appropriate process to proceed with update of this Special Study Area and continue discussions with academics (Ralph Bennett) and Kentlands Foundation. Frederick Avenue Special Study Area: As a first step, staff will provide the M&CC with a detailed briefing on the 1998/99 Frederick Avenue Corridor Plan in Spring 2007. Ad Hoc Community Facilities Element Committee: Committee continues to meet regularly on draft community facilities element. Joint public hearing anticipated in late winter/spring 2007. Historic Preservation Advisory Committee: HPAC has held two meetings to discuss historic preservation element. Joint public hearing anticipated in spring 2007. Transportation Element: Continue work on Transportation Element	Kentlands Boulevard Commercial District Special Study Area: **Educational work shops and survey completed summer of 2007. Successful charrette conducted fall 2007. Public Hearing anticipated in spring of 2008.** Historic Preservation Element: **Adopted October 2007.** Community Facilities Element: **Public Hearing held in December 2007.** Transportation Element: **Staff work under way. Public Hearing anticipated in FY'09.** **Begin staff work on newly mandated Municipal Growth, Water Resources and Workforce Housing Element pursuant to HB 1141. Begin 2009 Master Plan update. Present draft Process and Overview in fall 2009.** **Develop process for development of Frederick Avenue Special Study Area.**	**Complete staff work on the draft Transportation Element. Hold Public Hearing in fall of 2008.** **Complete staff work on Municipal Growth, Water Resources, and Work Force Housing Element.** **Develop an Implementation Strategy for Kentlands Boulevard Commercial District.** **Implement selected process for review of Frederick Avenue Special Study Area.**

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
2. Pursue appropriate annexations.	Crown Farm annexation approved in August 2006. Pursue annexation of the 86 acre McGowan tract. Staff is in annexation discussions with contract purchase of the 2.9 acre Jackson property located on Emory Grove Road.	Continue to pursue annexation of the 86 acre McGowan tract. **Initiate discussions with John Hopkins to determine if they are interested in annexation of the Belward campus.** **Meet with Montgomery County and M-NCPPC representatives to discuss other annexations that may be beneficial to the region.**	**Continue to pursue appropriate annexations.**
3. Monitor CD Zone and update implementation process.	Text Amendment to CD Zone to allow height waiver in the Residential District adopted December 2006. Staff currently in discussions with developer on proposal for assemblage and redevelopment in 400 block North Frederick Avenue. Fairfield Realty has requested rezoning of the Broadstone Apartments from R-20 to CD to facilitate redevelopment. Joint public hearing scheduled for January 16, 2007.	**Broadstone Apartments rezoning from R-20 to CD approved.** **Text Amendment approved that would permit height waivers for the commercial/fairground district that could facilitate proposed redevelopment of 400 block of North Frederick Avenue.**	
3. Work with the Montgomery County Planning Board, the Board of Education and the County Council to shape the 2007 County Annual Growth Policy.	Staff has held a series of meetings with Planning Board and MCPS staff, and have kept them advised of the status of the City's pending APFO. Montgomery County Growth Policy Study was requested by the County	**City commented on and participated in County Council discussions concerning Growth Policy. More restrictive County Growth Policy adopted fall 2007.**	

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
Goal #4 Continued.	Council and the final report is scheduled to be presented to the County Council on May 21, 2007.		
5. Develop amendment to MXD/ I-3 Zone to facilitate Aquatic Center project.	Joint public hearing on I-3 text amendment held December 2006. Final action and adoption anticipated February 2007. **Goal Complete.**		
6. Review mansionization issue and trends and determine if any zoning ordinance amendments are appropriate.	Planning Commission approval is not currently required for most additions in the older Euclidian zones. Staff is recommending that the M&CC and PC sponsor a text amendment and hold a joint public hearing in the winter of 2007.	**Planning Commission has held a series of public discussions on this issue but has not yet reached consensus.**	**Develop Text Amendment, and hold joint Public Hearing.**
7. Meet regularly with representatives of the County, Montgomery County Planning Board, the City of Rockville, and Montgomery County Board of Education to coordinate on regional issues.	City staff is represented on the core committee working to raise public awareness of the CCT. M&CC participated in the CCT "Good to Go" kickoff event. Continue staff participation in the interagency coalition of local elected officials and municipal representatives as it relates to the CCT and "Good to Go" campaign. Staff is currently participating in an interagency committee working to review the entire 355 Corridor throughout Montgomery County. The Mayor and senior staff recently	**This is an ongoing effort.** **CCT Coalition continues to meet regularly.** **City staff represented on project teams of all County and State transportation projects that affect the City.**	

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
Goal #7 Continued.	met with the newly appointed Chair of the Montgomery County Planning Board to discuss issues of mutual concern.		
8. Educate Gaithersburg residents, businesses, and developers about Smart Growth principles, new urbanism, planning trends, etc.	Community Planning Team worked with Public Information Officer to enhance web site to better inform the public about major planning projects. City Project tab was added and staff members work together to update. Planning & Code Administration continued work with Public Information Office to make master plans, Special Study Areas and other documents available on the City's web site. Evaluate Kentlands/Lakelands tour and package.	Ongoing effort. Staff and Planning Commission to prepare and present Crown Farm Annexation and Development presentation for 2008 American Planning Association (APA) conference.	**Explore presentation opportunities on Smart Growth as part of the Master Plan Updates.**
9. **Oversee orderly development of major approved projects.**	**N/A**	**First homes at Casey West will be under construction in spring of 2008.** **Broadstone scheduled for demolition winter 2008.**	**Continue to monitor Crown, Casey East, Casey West, Broadstone, and Monument.**

CRITICAL MEASURES

Approximately 250 participated in the ~~Crown Farm Charrette~~ **Kentlands Boulevard Commercial District Charrette.**

400 residents were surveyed about development, the CCT and growth issues as part of the Kentlands Blvd. Commercial District Charrette.

~~12~~ **18** site plans, ~~56~~ **37** amendments to site plans and ~~57~~ **76** minor amendments reviewed;

~~15~~ **5** Work Sessions with citizens and staff on planning issues or development projects;

~~16~~ **11** Forest Conservation Reviews and ~~13~~ **9** Natural Resources Inventory Reviews were submitted for review by Environmental Affairs;

~~11~~ **9** Traffic Impact Studies reviewed by the Department of Public Works/Traffic Engineer;

~~424~~ **78** Affordable or Workforce Housing Units approved;

6 Major Community Amenity Facilities approved (~~3 clubhouses, 3 pools~~) **(3 pools and fitness centers)**;

~~11.12 acres of right-of-way dedicated for Corridor City Transitway (CCT);~~

~~1 Transit Oriented Development project (TOD) was approved (Crown Farm)~~

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STRATEGIC DIRECTION #5	**Implement programs that improve current housing stock and pursue development and redevelopment opportunities that provide an appropriate mix of housing types ~~and affordability levels~~ in inclusive communities.**
Team Leader	Greg Ossont, Director of Planning and Code Administration
Contributing Members	Mary Boyle, Fred Felton, Louise Kauffmann, Pat Patula, and Kevin Roman

BACKGROUND

City's current housing stock consists of ~~35.6~~ **35.5** percent apartments (~~8,384~~ **8,386** units, **which includes existing W Deer Park**), ~~14.9~~ **15** percent condominium (~~3,512~~ **3,544** units), ~~27.9~~ **28** percent townhouses (~~6,562~~ **6,620** units), ~~20.1~~ **20** percent single family detached (~~4,716~~ **4,722**) **and 346 group quarters (1.5%).**

- Current housing mix reflects mid-1980's housing policy to promote home ownership after realization in the late 1970's that 68 percent of all housing in the City was apartments.
- Many apartments are aging, have been overlooked for conversion or are in dense areas of the City.
- Apartment vacancy rate is currently ~~5.07~~ **5.7** percent in the City of Gaithersburg. Vacancy rate in Montgomery County is ~~3.9%~~ **4.7** percent as of April 1, ~~2006~~ **2007**.
- Without incentives, many multi-family property owners will do little more than meet minimal code requirements.

APPROACH

- Aggressive, but reasonable, enforcement of stringent housing code distinguishes City from other jurisdictions.
- The City's adopted Housing Policy recommends that the City offer a wide range of housing types with an emphasis on single-family detached housing, preferably in a mixed-use setting. Avoid concentrations of like housing types, while retaining the best qualities of a small town.
- Rejuvenation of City's multi-family housing stock is important.
- Adaptive reuse should be encouraged, coupled with sensitive relocation of tenants.
- New housing development and re-development should adhere to the tenets of New Urbanism with aesthetic considerations dependent on the recently adopted urban design policies within the Master Plan - Smart Growth Policy Document.

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
1. Encourage renovations of existing apartment communities for major renovations.	Renovations currently underway at Streamside Apartments with completion anticipated in the winter of 2007.	**RST Development has received Planning Commission approval to complete major renovations to the former West Deer Park Apartments.**	**Complete renovations.**
2. Encourage redevelopment of functionally obsolete and aging apartments with emphasis on Olde Towne, South Frederick Avenue, Water Street, and West Deer Park Road.	Staff is continuing to work with Archstone on the proposed East Diamond Avenue redevelopment. RST Development has indicated that they no longer consider the West Deer Park Apartments redevelopment financially feasible and have filed an application to reoccupy the existing apts. Fairfield Realty has submitted a rezoning and SDP request to replace the existing antiquated Broadstone Apt. with a mixed-use community including condominiums, two-over-two's, and town houses.	**Broadstone redevelopment project approved, and tenant relocation successfully completed. Demolition of the existing units will begin winter 2008.** **Archstone project on East Diamond Avenue has received concept approval from the Planning Commission, and tenant relocation for Deer Park, Ty Gwynn, and Diamond Courts Apartments is underway.** **Staff is in discussions with a group that would like to undertake a redevelopment in the 400 block of North Frederick Avenue.**	
3. Work with Greater Historic District Committee (GHDC) to implement comprehensive plan for Historic District charrette area.	Design and implement project to narrow Brookes Avenue. Project complete. GHDC to work on design of entry features for community. Sign design completed – the committee anticipates presenting recommendations	Continue work with GHDC regarding pedestrian improvements on Russell Avenue **and the bike/trail proposal**. **Staff to meet with GHDC to discuss future role of the Committee given that most of**	

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
Goal #3 continued.	for signage to M&CC in spring of 2007.	**the projects identified at the original Neighborhood Improvement Charrette have been implemented.**	
4. Internal task force to address overcrowding and code violations in apartments and single family homes throughout the City of Gaithersburg	An internal taskforce has been convened to provide community outreach on the importance of fire safety and dangers of overcrowding. Representatives from several City departments will serve on the taskforce including P&CA, GCPD, and CMO. The taskforce will strengthen interdepartmental communication and awareness of fire and safety code violations. Initial task force report presented to M&CC on December 4, 2006. Staff currently is in implementation phase. A mid-year position for a Neighborhood Services Officer has been approved to assist with increased calls for service and enforcement.	**M&CC approved increases in the fines and penalties for various life safety violations.** **Neighborhood Services to coordinate training with Police Department so police officers will be able to identify violations and refer them to Neighborhood Services.** **Neighborhood Services will begin some evening enforcement.**	
5. Work with homeowners associations to assist with neighborhood inspections.	Staff is encouraging six communities to participate in the program in the spring of 2007.	**Additional neighborhood inspections will be conducted in the spring of 2008.**	

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
6. Pursue affordable housing initiatives.	As part of Crown Farm annexation, developer agreed to a significant affordable housing component including MPDUs, WFHUs, and a contribution to the City's Housing Initiative Fund. Affordable housing ordinance adopted on November 6, 2006. Regulations to implement ordinance introduced and public hearing was held on January 2, 2007. Staff is continuing to work with other levels of government, the non-profit community and developers on other potential affordable housing initiatives. The Housing Opportunities Commission is under contract to purchase Forest Oak Towers to ensure long term affordability.	Implement MPDUs/WFHUs program, conduct the City's first affordable housing lotteries, and manage resales as necessary. **HOC acquisition of Forest Oak Towers complete. City approved PILOT Agreement to abate taxes for a twenty year period.** **Partnered with Bozzuto Homes to encourage homeownership at Summit Crossing utilizing City funds and the State Home Keys 4 Less. To date, 22 units are under contract.**	
7. Pursue adoption of additional fire safety regulations related to aging or functionally obsolete properties.	Public hearing held on December 18, 2006 on an ordinance to require sprinkler retrofit in certain multi-family dwellings. Approved by the M&CC on January 16, 2007. **Goal Complete.**		

GOALS	FY 2007	FY 2008	FY 2009 & Beyond
8. Define options for extending homeownership incentive fund.	N/A	**$400,000 included in the FY'08 Budget for a new homeownership program for residents displaced by residential development.**	**Evaluate success of program, and implement modifications as appropriate.**
9. **Evaluate alternatives for preserving an affordable housing component at Orchard Pond Apartments.**	**N/A**	**Project is under contract for sale to JPI, and the City has granted conditional approval for HOC to exercise right of first refusal. City in negotiations with JPI on a voluntary affordable housing component.**	
10. **Pursue partnerships with nonprofits such as Habitat for Humanity and Montgomery Housing Partnership to provide housing for our most vulnerable populations.**	**N/A**		
11. **Consider partnership with HOC and Montgomery County to develop mixed income senior housing in conjunction with the proposal for a new senior center.**			
12. **Consider modifications to the Neighborhood Matching Grant program.**	**N/A**	**Smaller community associations are applying for grants each year and we are running out of funding by October. Staff recommends a tiered approach to the amount of the grant based on size of the community.**	

CRITICAL MEASURES

Documented property maintenance complaints:

FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
570	608	695	600	668	688	794	**1,027**

Documented overcrowding, occupancy, illegal bedroom complaints:

FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
8	15	14	8	13	15	22	**70**

Number of historic tax credits:

FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
-0-	2	4	2	4	4	3	**2**

Number of historic area work permits

FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
9	19	10	24	23	21	23	**13**

Number of Matching Grants:

FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
12	12	22	20	16	14	19	**20**

Percentage of multi-family housing as a percentage of total housing stock:

July 2000	Jan 2001	July 2001	Jan 2002	July 2002	Jan 2003	July 2003	July 2004	July 2005	July 2006	July 2007
50.3%	49.5%	48.9%	49.8%	49.5%	48.9	48.1%	48.1%	50.6%	50.6	**50.5**

CRITICAL MEASURES

~~Four~~ Multi-family properties (~~less than 50 units~~) **that have** changed ownership ~~in the last three years~~:

~~Diamond House (17 Units)~~	~~Summit Hall Apartments (22Units)~~	~~North Frederick Avenue Apts. (31 Units)~~	~~Seidel Apartments (11 Units)~~
~~1 Water Street~~	~~15 Water Street~~	~~439 North Frederick Avenue~~	~~214 Brookes Avenue~~
~~Sold 4/30/2003~~	~~Sold 5/10/2004~~	~~Sold 7/05/2005~~	~~Sold 8/08/2006~~
~~$915,000~~	~~$1,600,000~~	~~$3,300,000~~	~~$1,100,000~~
Executive Gardens (85 units)	**Kentlands Manor (206 units) (Fountain Glen)**	**West Deer Park (198 units)**	**Broadstone (350 units)**
14 South Frederick Ave.	**217 Booth Street**	**72 West Deer Park Rd.**	**12 West Deer Park Rd.**
Sold 6/19/2006	**Sold 5/15/2007**	**Sold 8/25/2005**	**Sold 6/7/2005**
$10,400,000	**$34,200,000**	**$23,000,000**	**$29,000,000**

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STRATEGIC DIRECTION #6	Maintain support of neighborhood Community Policing programs.
Team Leader	**John King**
Contributing Members	All members of the Police Department and the Chief's Advisory Council

BACKGROUND

- The Montgomery County Police Department is the primary law enforcement agency within the City of Gaithersburg. The Gaithersburg Police Department has concurrent jurisdiction. The Gaithersburg Police are intended to provide enhanced police services in our community.
- The Gaithersburg Police Department operates under a philosophy of community policing which is customer-oriented, flexible and problem-solving in nature.

APPROACH

- Demonstrate that the Gaithersburg Police Department is here to serve the citizens by developing and implementing proactive strategies that improve the quality of life for all people.
- Provide accessible, quality service tempered with courtesy, compassion, understanding and incorporating the six pillars of CHARACTER COUNTS!
- Maintain our strong commitment to excellence by ensuring that our officers and staff receive quality training. Fully develop and equip our employees to provide effective and responsive service to the community.
- Fully utilize technology to improve the quality of police services.

THEMES

The following Themes have been developed by the Mayor and City Council to guide land use decisions during the Master Plan process into the future. Each Theme does not stand alone. They all must be considered as Master Plan decisions are made.

IDENTITY

Gaithersburg is a community that... has a remarkable sense of place, with a distinct identity and strong heritage, characterized by attractive public spaces.

Objective A: Improve Appearance of City Boundaries to Emphasize the Sense of Place.

Action 1: Identify and prioritize location of entrance features.
Action 2: Design and create distinctive entry features.
Action 3: Identify and prioritize streetscape improvement areas.
Action 4: Evaluate potential annexations.

Objective B: Design Attractive Public and Private Outdoor Places such as Parks, Squares, Streetscapes, and Courtyards.

Action 1: Require developers to install art in public places where appropriate.
Action 2: Identify and prioritize pocket parks throughout the City.
Action 3: Develop a master plan for art in public places.
Action 4: Enhance City identity of existing parks through signage, trash receptacles, landscape, lighting, etc., that is truly unique to Gaithersburg facilities.
Action 5: Require play areas and tot lots to be dispersed through new development.
Action 6: Develop a plan for Olde Towne Square that will illustrate the City's special heritage.

Objective C: Improve the Appearance of the City

Action 1: Implement the Frederick Avenue Corridor Plan.
Action 2: Approve and implement the City's draft sign ordinance.
Action 3: Create a unique City-wide theme for all public signage, such as road and destination signage.
Action 4: Require developers to install enhanced streetscape with all development and redevelopment.

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Z-308(b) 4-21-08

Objective D: Protect Existing Landmarks, Scenic Views, Vistas, and Structures of Special or Architectural/Historic Value within the City of Gaithersburg.

Action 1: Identify for protection significant landmarks (buildings, bridges, natural resources, historic resources).

Action 2: Promote individual landmarks through marketing techniques and programs such as the Montgomery County Heritage Tourism Initiative and Arts & Entertainment District.

REDEVELOPMENT

Gaithersburg is a community that... will encourage orderly and managed redevelopment of aging areas using the themes developed herein, with an emphasis on decisions that ensure the stability of the City and that seek the continuous collaboration of all stakeholders.

Objective A: Utilize the City's 'Smart Growth' Principles to Encourage High Quality Infill Redevelopment.

Action 1: Promote the TND development option and review past projects for accomplishments.

Action 2: Design mixed use, housing, commercial, office, industrial and public developments at a pedestrian scale that do not overly dominate the streetscape in order to promote a more livable pattern of development.

Action 3: Promote the development of a system of walkways, bikeways, and streets that create connections between and among developments.

Action 4: Establish required buffering for future redevelopment that enhances and improves natural resources.

Action 5: Increase public green/open space through infrastructure re-design in existing neighborhoods.

Action 6: Preserve historic and other important structures and amenities during redevelopment.

Objective B: Create Incentives to Encourage Quality Redevelopment.

Action 1: Reduce the parking requirements for projects that are within close proximity to transit or provide joint surface or structure parking.

Action 2: Develop a program that allows for the transfer of open/green space requirements to other sites or a fee in lieu of the requirements.

Action 3: Consider waiving the density or height requirements for a more desired project.
Action 4: Allow for innovative Stormwater Management practices.
Action 5: Consider reducing or waiving permit and development fees for more desired projects.

Objective C: Identify Properties for Redevelopment.

Action 1: Utilize GIS information to assist in the identification of redevelopment opportunities.
Action 2: Perform cost-benefit analysis of potential redevelopment projects.
Action 3: Analyze rental housing inspection data, code violation and crime statistics history to assist in identifying properties in need of redevelopment.
Action 4: Consider redevelopment options in all areas (even those that have recently developed).

Objective D: Continue to Implement and Update City-Wide and Community Plans.

Action 1: Update Olde Towne Master Plan.
Action 2: Continue to implement Frederick Avenue Corridor Plan and review the current approval process.
Action 3: Revise the Zoning Ordinance to be consistent with existing and proposed City zones and land uses and with the Master Plan.

TOWN CENTERS

Gaithersburg is a community that... affirms the designations of the existing Town Centers which offer compact and efficient neighborhoods with vibrant centralized community-based focal points that attractively combine commercial, housing, civic, cultural, educational, transportation, and recreational opportunities.

A Town Center is a compact area with a mix of retail, office and commercial activity, with housing, that serves as a hub of community activity and an economic engine for the City. Easily accessible by area residents, it provides a destination and a gateway to other centers via regional transportation. Town Centers are convenient for people who are on bicycles or on foot. Town Centers are logical places for compact housing development because of their proximity to transit, shopping and employment. Town Centers often offer community services such as libraries and civic offices and act

Action 2: Evaluate the City-owned historic resources to determine feasibility of interpretation and adaptive reuse.
Action 3: Evaluate and support the Museum Consortium efforts.
Action 4: Investigate the addition of historic displays commemorating the City's history in all City-owned and operated buildings.
Action 5: Encourage connection of Gaithersburg to the Montgomery County Heritage Tourism program.

Objective E: Establish a safe and accessible repository for all archival materials held in trust by the City for its residents.

Action 1: Conduct an inventory of materials to be archived.
Action 2: Develop a phased plan of implementation for placement in appropriate archival storage.
Action 3: Develop a research center/area with strong oversight for proper cataloguing, imaging, and access.

4.7 Housing

Gaithersburg is a community that... offers a range of housing choices, while preserving the character of existing neighborhoods and providing connectivity to adjacent areas of employment, nature, recreation, services, and shopping.

Objective A: Encourage the development of single family homes (including townhomes) where housing is appropriate to offset the current housing imbalance.

Action 1: Encourage the development of single family homes (including townhomes) where housing is appropriate to offset the current housing imbalance.
Action 2: Pursue annexation of appropriate parcels for construction of single family homes.
Action 3: Encourage infill housing and the use of the Traditional Neighborhood Design (TND) option.

Objective B: Permit additional multi-family dwellings only to support existing town centers, encourage redevelopment, or comply with pre-existing annexation agreements.

Action 1: Where multi-family dwellings are deemed appropriate, require condominium uses unless it can be demonstrated that rental apartment uses are in the public interest.
Action 2: Consider approval of multi-family dwellings in or near the existing town centers.
Action 3: Consider approval of multi-family dwellings to encourage redevelopment of dilapidated properties.

Objective C: Ensure that designated apartment communities remain affordable and under existing controls.
Action 1: Continue City involvement and partial ownership of Diamond Square Apartments.
Action 2: Work with the Housing Opportunities Commission to ensure that Forest Oak Towers remains an affordable community for senior citizens.
Action 3: Monitor the rents to ensure that the Oaks at Olde Towne and Lakewood Commons comply with the area median income requirements mandated by State financing.

Objective D: Improve the condition of the existing housing stock.

Action 1: Encourage the redevelopment of aging apartment complexes.
Action 2: Continue to conduct joint inspections with homeowner's associations.
Action 3: Continue the Neighborhood Matching Grant program.
Action 4: Work with Montgomery County on providing low interest home improvement loans to qualified homeowners.
Action 5: Update Property Maintenance Code at least every three years.
Action 6: Work with Montgomery County to develop rehabilitation loans for small apartment complexes.
Action 7: Modify rental housing fee credit program.
Action 8: Continue aggressive enforcement directed at problem properties.
Action 9: Hold Neighborhood Improvement Charrettes as appropriate.

Objective E: Encourage a variety of architectural styles.

Action 1: Preserve the approved architectural standards for designated areas of the City.
Action 2: Encourage a mix of builders with a variety of architectural styles to participate in the development of new communities.

Objective F: Ensure that the current and future housing stock allows residents to remain in the City as their financial, employment, and familial situations change.

Action 1: Determine current in- and out-migration patterns for the populations in the City and County.
Action 2: Look at market studies to determine general housing preferences by age, sex, occupational status, marital status, presence of children, household income, etc.
Action 3: Determine the impact of public schools on housing preferences and work with MCPS to address any concerns with the current schools.

4.8 Economic Development

*Gaithersburg is a community that...*encourages Economic Development with important jobs and businesses located only where infrastructure or capacity exists or can be improved.

Objective A: Provide employment and commercial opportunities in close proximity to residential areas.
Action 1: Make certain appropriate land use designations for local commercial and employment uses are balanced throughout the City.
Action 2: Identify existing business districts throughout the City which need better infrastructure or appropriate zoning to strengthen their business core.
Action 3: Identify improvements in local transportation links between existing residential communities and business areas to facilitate home-to-work trips.

Objective B: Determine if a balanced jobs to housing ratio is needed to ensure the City's sustainability.

Action 1: Determine the current ratio of jobs to housing within the corporate limits.
Action 2: Research regional growths, compare data, and determine what impact developments have on the City.
Action 3: Identify specific land use areas for future development that could accomplish desired sustainability.

Objective C: Build on the City's strength as a science and technology center.

Action 1: Designate large contiguous undeveloped areas for technology-oriented uses that are well sited from a transportation perspective.

Jacqueline Marsh - Residences

From: "Richard Koch" <rkoch@keystonerei.com>
To: "Greg Ossont" <GOssont@gaithersburgmd.gov>, <JMarsh@gaithersburgmd.gov>
Date: 04/24/2008 11:47 AM
Subject: Residences
CC: <jskline@mmcanby.com>

All:

I just wanted to keep everyone up to date with some of the goings on.

LSA is preparing two additional illustrative plans to show the Shah parcel redevelopment if (i) we are able to incorporate the parcel into our plan as said in the public hearing and (ii) we are not able to incorporate the parcel into our plan. (Either way the Shah parcel redevelopment plan works very well.)

Also, I will be doing a presentation to the Olde Towne Advisory Committee at their May 1 meeting.

Finally, attached is my list of issues raised by the Mayor, Council, Commission and public.

Rich

PENGAD 800-631-6989
JOINT EXHIBIT
#58
Z-308 (a)
4-21-08

Notes from 4/21/08 joint public hearing.

Mayor Katz

1. MP recommendation for CBD zoning requires concurrent rezoning and redevelopment of all 5 parcels.
2. The 90 du/acres proposed is not medium density residential in a CBD zone.

Mike Sesma

1. Proposed plan queers plans for future development of Shaw parcel and Lilac Gardens.
2. Green space is not really green space because of courtyards above garage. What is area of courtyards?
3. No transition from Meem Avenue homes to CBD.
4. Reforestation not provided.

Ryan Spiegel

1. Studio units provide a novel approach to providing affordable housing. Questions if all affordable housing should be studios. Notes that CBD is exempt from APFO.

Matt Hopkins

1. Like to see an effort to increase LEEDS points.
2. Would like to see an increased caliper of trees to be planted in lieu of reforestation.

John Bauer

1. Status of TIS?

S. Shah

1. Concern about traffic at Water Street and E. Diamond Avenue.
2. Concerned about the loss of the City's affordable housing stock.
3. Concerned that G2 driveway only 36" from rear of his apartment building.
4. Wants to know what is the construction schedule?

Jeff Brown (Lilac Gardens)

1. Concerns about lack of existing SWM in rear of site.
2. Concerns about location of future trash bins.
3. Concerns about people hanging out on Bermuda Triangle parcel in the evening and parties.
4. Lilac Board of Directors supports the proposed plan.

MYTH AND FACT

NMHC National Multi Housing Council®

SIERRA CLUB

AIA

ULI

Urban Land Institute

PENGAD 800-631-6989

JOINT EXHIBIT #59 Z-308(D)

4-21-08

MYTH AND FACT

Urban Land Institute

About NMHC–the National Multi Housing Council

NMHC is a national association representing the interests of the nation's larger and most prominent apartment firms. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information, and promotes the desirability of apartment living. One-third of Americans rent their housing, and 15 percent of all U.S. households live in an apartment home.

Doug Bibby, *President*

About Sierra Club

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest, and most influential grass-roots environmental organization.

Larry Fahn, *President*

About AIA–the American Institute of Architects

Since 1857, the AIA has represented the professional interests of America's architects. As AIA members, more than 75,000 licensed architects, emerging professionals, and allied partners express their commitment to excellence in design and livability in our nation's buildings and communities. Members adhere to a code of ethics and professional conduct that assures the client, the public, and colleagues of an AIA-member architect's dedication to the highest standards in professional practice.

Douglas L. Steidl, *President*

About ULI–the Urban Land Institute

ULI–the Urban Land Institute is a nonprofit educational and research institute supported by its members. Its mission is to provide responsible leadership in the use of land to enhance the total environment. ULI sponsors educational programs and forums to encourage an open exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute has more than 24,000 members and associates from more than 80 countries representing the entire spectrum of the land use and development disciplines.

Richard M. Rosan, *President*

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As this country continues to grow and change, communities are left to figure out where all these new people will live, work, and shop. New markets are emerging for real estate that offers a more convenient lifestyle than is offered by many low-density sprawling communities. New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. At the core of the success of these developments is density, which is the key to making these communities walkable and vibrant.

Unfortunately, in too many communities higher-density mixed-use development is difficult to construct because of zoning and building codes that favor low-density development with segregated uses and because of opposition from the community. This publication looks at several myths surrounding higher-density development and attempts to dispel them with facts to help dismantle the many barriers such developments face.

ULI is proud to have partnered with NMHC–the National Multi Housing Council, Sierra Club, and AIA–the American Institute of Architects on this publication. This convergence of interests highlights the importance each organization has placed on finding a new development pattern that better fits the needs of a growing and changing country.

ULI will continue to provide forums in which all stakeholders can explore and debate issues about growth and development patterns and how properly designed and incorporated density can be used to accommodate new growth. ULI will conduct research, produce well-balanced information, and identify best practices on issues relevant to growth and density. Through these efforts, ULI and its partners hope to play a role in planning a better development pattern for the future.

Harry H. Frampton III
Chair

Higher-Density Development:

Myth and Fact

America's changing population is creating demand for new types of homes, offices, and retail outlets. Better solutions are needed to the challenges created by changing demographics, dwindling natural areas, smog and public health issues, shrinking municipal budgets, and traffic congestion. Communities that answer these challenges will develop into great places to live.

America will add roughly 43 million new residents—that's 2.7 million new residents per year—between now and 2020.[1] America is not only growing but also undergoing dramatic demographic changes. The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs.[2] These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core.

The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. It will exacerbate many of the problems sprawl has already created—dwindling natural areas and working farms, increasingly longer commutes, debilitating traffic congestion, and harmful smog and water pollution. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services—spread over large and sprawling distances is inefficient and expensive.

Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher-density development makes successful planning for growth possible.

Density refers not only to high-rise buildings. The definition of density depends on the context in which it is used. In this publication, *higher density* simply means new residential and commercial development at a density that is higher than what is typically found in the existing community. Thus, in a sprawling area with single-family detached houses on one-acre lots, single-family houses on one-fourth or one-eighth acre are considered higher density. In more densely populated areas with single-family houses on small lots, townhouses and apartments are considered higher-density development. For many suburban communities, the popular mixed-use town centers being developed around the country are considered higher-density development.

Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the "place-making" benefits of density and the relationship between higher-density development and land preservation. Media coverage of the topic of growth and development has also evolved. Past media coverage of growth and development issues was often limited to the heated conflicts between developers and community residents. Many in the media are now presenting more thoughtful and balanced coverage, and several editorial boards support higher-density developments in their communities as an antidote to regional sprawl.

Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence—documented throughout this publication—suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population.

Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density.[3] In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.[4] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[5] Such contradictions point to widespread misconceptions about the nature of higher-density development and sprawl. Several of these misconceptions are so prevalent as to be considered myths.

To some degree, these myths are the result of memories people have of the very-high-density urban public housing projects of the 1960s and 1970s that have been subsequently deemed a failure. Somehow, the concept of density became associated with the negative imagery and social problems of depressed urban areas. The reality

is that complex interrelated factors such as the high concentration of poverty and poor educational and employment opportunities combined to doom the public housing projects. Even very-high-density housing can be practical, safe, and desirable. For example, the mixed-income apartments and condominiums or luxury high rises in New York and Chicago—some of the safest and most expensive housing in the country—prove that density does not equal an unsafe environment.

The purpose of this publication is to dispel the many myths surrounding higher-density development and to create a new understanding of density that goes beyond simplistic negative connotations that overestimate its impact and underestimate its value. Elected officials, concerned citizens, and community leaders can use this publication to support well-designed and well-planned density that creates great places and great communities that people love. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable.

Higher-Density Development: Myth and Fact is the sixth in a series of Urban Land Institute myth and fact booklets. The series is intended to clarify misconceptions surrounding growth and development. Other topics covered have included transportation, smart growth, urban infill housing, environment and development, and mixed-income housing.

Higher-Density Development: Myth and Fact examines widespread misconceptions related to higher-density development and seeks to dispel them with relevant facts and information. Although the benefits of higher-density development are often understated, so are the detrimental effects of low-density development. The advantages and drawbacks of higher-density development are compared throughout this publication with the alternative of low-density development. In the process, misconceptions regarding low-density development are also addressed.

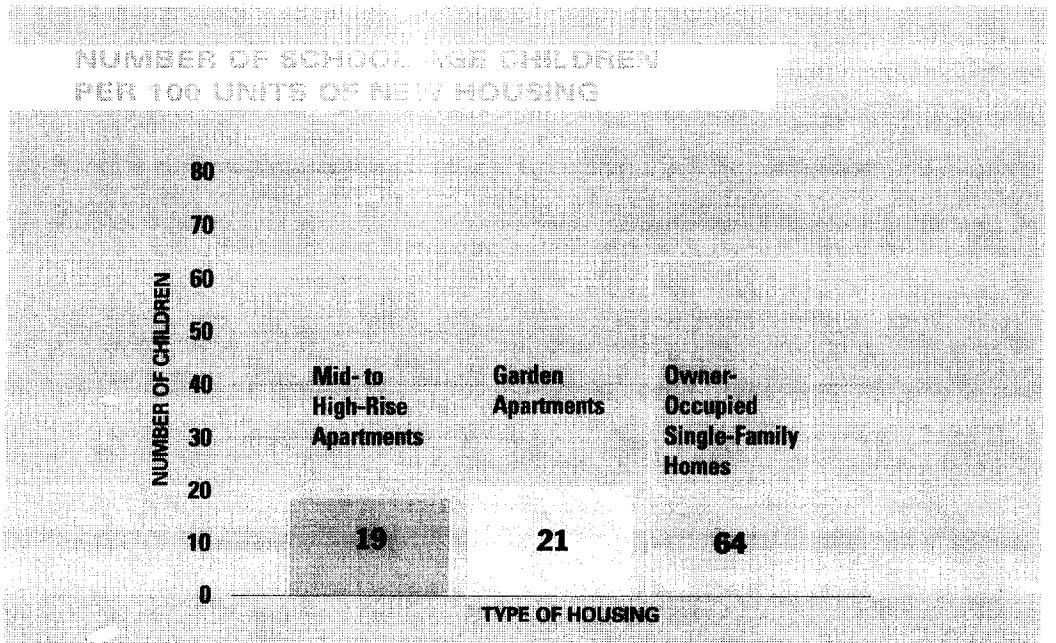
MYTH

Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT

The nature of who lives in higher-density housing—fewer families with children—puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

Public officials across the country struggle to afford the infrastructure needed to support sprawling development. A recent study analyzing the costs of sprawl estimated that more than $100 billion in infrastructure costs could be saved over 25 years by pursuing better planned and more compact forms of development.[6] The issue has transcended political parties and ideologies and has become an issue of basic fiscal responsibility. California's Republican Governor Arnold Schwarzenegger has criticized "fiscally unsustainable sprawl,"[7] while Michigan's Democratic Governor Jennifer Granholm has noted that sprawl "is hampering the ability of this state and its local governments to finance public facilities and service improvements."[8]



Source: *1999 American Housing Survey* (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1999).

Progressive and conservative groups have identified sprawl as a real problem. Charter of the New Urbanism states that "placeless sprawl" is an "interrelated community building challenge."[9] Conservative groups have concluded that "sprawl is in fact a conservative issue" with "conservative solutions" and that "sprawl was in large part created through government intervention in the economy."[10]

Indeed, numerous government policies over the last half century have led to and supported sprawl. Historically, federal spending for transportation has subsidized large-scale highway construction over other modes of transportation. Financing policies from the Federal Housing Administration have promoted suburban subdivisions across the nation. Large lot exclusionary zoning has forced the artificial separation of land uses, leading to large distances between employment centers, housing, and retail. But many government agencies now realize they cannot afford to continue providing the infrastructure and public services that sprawl demands.

Not only do local governments absorb much of the cost of more and more roadways, profoundly longer water and electrical lines, and much larger sewer systems to support sprawling development, they must also fund public services to the new residents who live farther and farther from the core community. These new residents need police and fire protection, schools, libraries, trash removal, and other services. Stretching all these basic services over ever-growing geographic areas places a great burden on local governments. For example, the Minneapolis/St. Paul region built 78 new schools in the suburbs between 1970 and 1990 while simultaneously closing 162 schools in good condition located within city limits.[11] Albuquerque, New Mexico, faces a school budget crisis as a result of the need to build expensive new schools in outlying areas while enrollment in existing close-in schools declines.

PROFILE

The Market Common Clarendon

MCCAFFERY INTERESTS

Located within walking distance of a Washington, D.C., Metro stop, the Market Common provides housing, offices, retail, and restaurants on a ten-acre site that was formerly a parking lot.

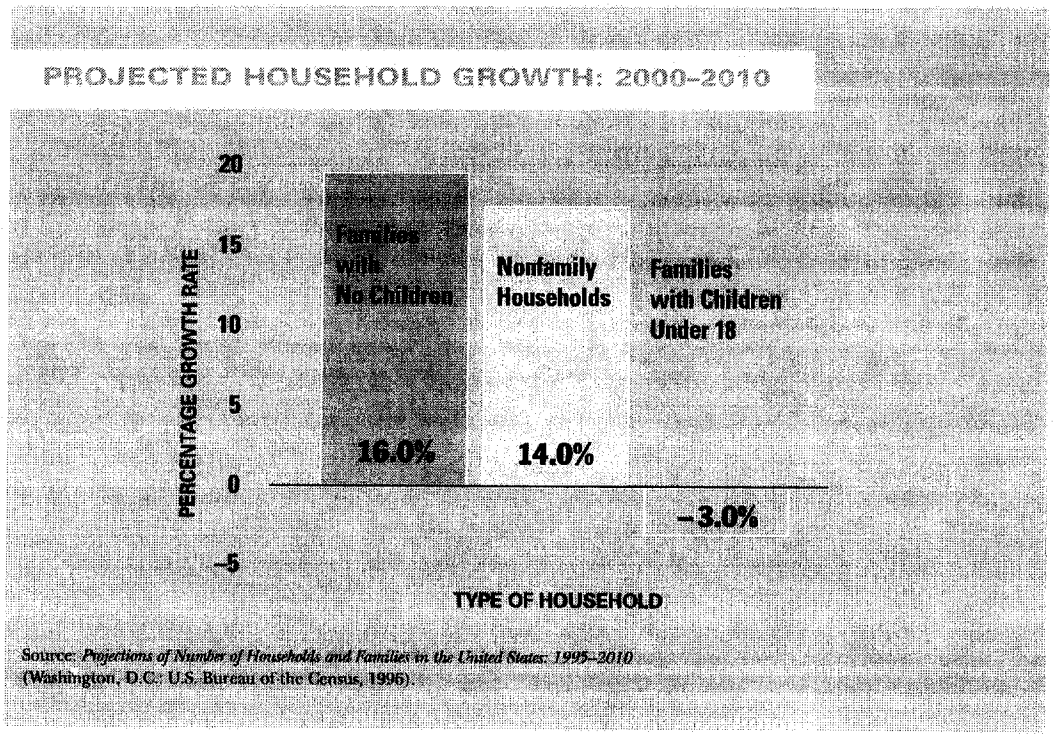
Located on the site of a former parking lot and occupying roughly ten acres of land, the Market Common in Clarendon, Virginia, just outside Washington, D.C., provides 300 Class A apartments, 87 townhouses, 100,000 square feet of office space, and 240,000 square feet of prime retail space. Located within walking distance of the Orange Line of Washington's extensive subway system, residents can leave their cars parked while they take public transit to work. They can also walk to a Whole Foods grocery store adjacent to the highly successful development. Prominent national retailers occupy the ground level of the building, and structured parking is provided. The compact development form of the Market Common promotes walking, biking, and using public transit over autos. The apartments are attractive to young professionals without children, lessening the impact on the county's school system. The project is the result of a successful collaboration of McCaffery Interests, Arlington County officials, and citizens of the Clarendon neighborhood; it has spurred new retail, office, and residential construction on neighboring sites.

Unfortunately for local governments, a growing body of evidence shows that sprawling development often does not pay enough property tax to cover the services it requires. A study conducted for a suburban community outside Milwaukee found that public services for an average-price single-family house in that community cost more than twice as much as the property taxes paid by the homeowner.[12]

One reason for the disparity between property tax revenue and the cost of public services is expenditures for public schools. Low-density suburbs and exurban areas generally attract families with more school-age children. In fact, single-family developments average 64 children for every 100 units, compared with only 21 children for every 100 units of garden apartments and 19 children for every 100 units of mid- to high-rise apartments.[13] The reason is that multifamily housing attracts predominantly childless couples, singles, and empty nesters.

And although apartment renters do not pay property tax directly, apartment owners do. Apartments are also usually taxed at a higher commercial real estate tax rate,[14] so a typical mixed-use development with retail, office, and apartments may subsidize the schools and other public services required by residents of low-density housing in the same community. This phenomenon is further exacerbated because many multifamily developments and retail and office establishments pay for their own trash disposal, shuttle buses, and security.

Reducing the distance between homes, shops, and offices also reduces the cost of public infrastructure. According to one of many studies, "The public capital and operating costs for close-in, compact development [are] much lower than they [are] for fringe, scattered, linear, and satellite development."[15] And many of these studies do not take into account the advantages created by making public transit



Source: *Projections of Number of Households and Families in the United States: 1995–2010* (Washington, D.C.: U.S. Bureau of the Census, 1996).

more feasible as well as making delivery of basic services like mail delivery, trash collection, and police and fire protection more efficient.

Another emerging body of research suggests that higher-density development is an important component of economic development initiatives and helps attract new employers. "Information economy" is a term used to define the growing industries based on the economics of the Internet, information goods, and intellectual property. Workers in this field are known as "knowledge workers," and many believe they are the future of the American economy. These workers are comfortable with the latest technology and, because their skills are transferable, choose their jobs based on the attributes of the town or city where they are located. They seek out vibrant, diverse urban centers that offer access to technology, other knowledge workers, and lifestyle.[16]

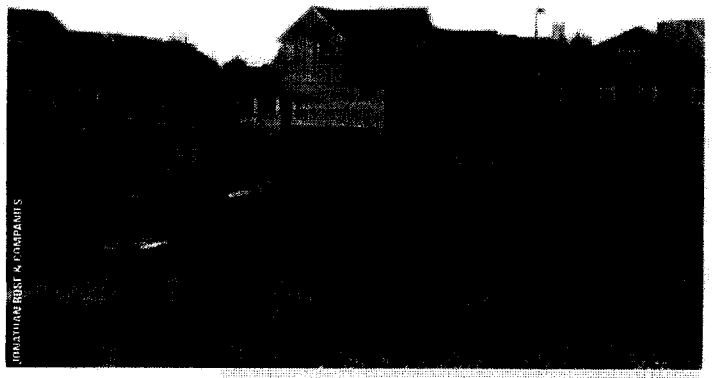
The economic development game has changed. Employers now follow the workers rather than the other way around. Therefore, communities that focus on providing a high quality of life with the energy and vitality created by urban centers will be much more likely to attract these highly prized, talented, and productive workers than communities of faceless sprawl. Companies that understand the appeal of these communities are making relocation decisions with these workers in mind. Studies have shown that increasing employment density increases labor productivity, generally by reducing commuting times.[17]

Thus, introducing higher-density projects into a community will actually increase that community's revenue without significantly increasing the infrastructure and public service burdens. Blending apartments into low-density communities can help pay for schools without drastic increases in the number of students. Diversifying housing options and adding amenities like shops and offices close by will improve the quality of life and attract businesses and people that will strengthen the community's economic stability. Increasing density provides a real economic boost to the community and helps pay for the infrastructure and public services that everybody needs.

PROFILE

Highlands' Garden Village

Built on the site of the Elitch Gardens amusement park in Denver, Highlands' Garden Village is a walkable, transit-linked community and a financially viable model for environmentally responsible infill development. New York–based developer Jonathan Rose & Companies developed single-family homes, townhouses, seniors' and multifamily apartments, cohousing, offices, and retail space on the site. At the center, a historic theater and carousel from the original amusement park are being transformed into a community performing arts center and a walking labyrinth. Berkeley, California–based Calthorpe Associates designed a plan that put new homes on three sides of a square-shaped village and a commercial "main street" on the fourth. Restaurants, studios, and shops line the street with live/work townhouses and offices above, giving residents the opportunity to live, work, and shop in the same community. The proximity of amenities, location near downtown, and convenience of public bus lines encourage people to walk and reduce travel costs.



JONATHAN ROSE & COMPANIES

Highlands' Garden Village reuses some structures from the amusement park previously located on the site. The compact development, combined with a variety of uses and housing types, uses public infrastructure more efficiently than low-density sprawling development.

MYTH

Higher-density developments lower property values in surrounding areas.

FACT

No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.

The precise value of real estate is determined by many factors, and isolating the impact of one factor can be difficult. Although location and school district are the two most obvious determining factors of value, location within a community and size and condition of the house also affect value. Several studies have examined whether multifamily housing has any impact on the value of nearby single-family detached houses. These studies have shown either no impact or even a slightly positive impact on appreciation rates.

PROFILE

HAILE PLANTATION CORPORATION

Haile Plantation

Haile Plantation is a Gainesville, Florida, icon. Although it is denser than surrounding communities, the values of homes in Haile Plantation are often higher than the values of houses in neighboring lower-density communities, because the traditional neighborhood design employed there makes Haile Plantation more desirable and valuable. Beginning with the master plan in 1979, Haile Plantation has been called one of the first new urbanist communities in the country. Developers Bob Rowe and Bob Kramer in conjunction with the Haile Plantation Corporation developed the 1,700-acre site to include more than 2,700 units, ranging from single-family homes to townhouses and garden apartments. The sense of community has only grown with the expansion of the development to include a town center, a village green, trails, civic uses, and offices. Indeed, it is density and diversity that together add value to this popular Florida community.

Homes in Haile Plantation sell for more than neighboring homes because prospective buyers view the traditional neighborhood design as a valuable and desirable amenity.

For instance, one study by the National Association of Home Builders looked at data from the American Housing Survey, which is conducted every two years by the U.S. Census Bureau and the Department of Housing and Urban Development. It found that between 1997 and 1999, the value of single-family houses within 300 feet of an apartment or condominium building went up 2.9 percent a year, slightly higher than the 2.7 percent rate for single-family homes without multifamily properties nearby.[18]

Another study, commissioned by the Family Housing Fund in Minnesota, studied affordable apartments in 12 Twin Cities neighborhoods and found "little or no evidence to support the claim that tax-credit family rental developments in [the] study eroded surrounding home values."[19] And a long-term study by Harvard University's Joint Center for Housing Studies published in 2003 also confirms that apartments pose no threat to nearby single-family house values, based on U.S. Census data from 1970 to 2000.[20]

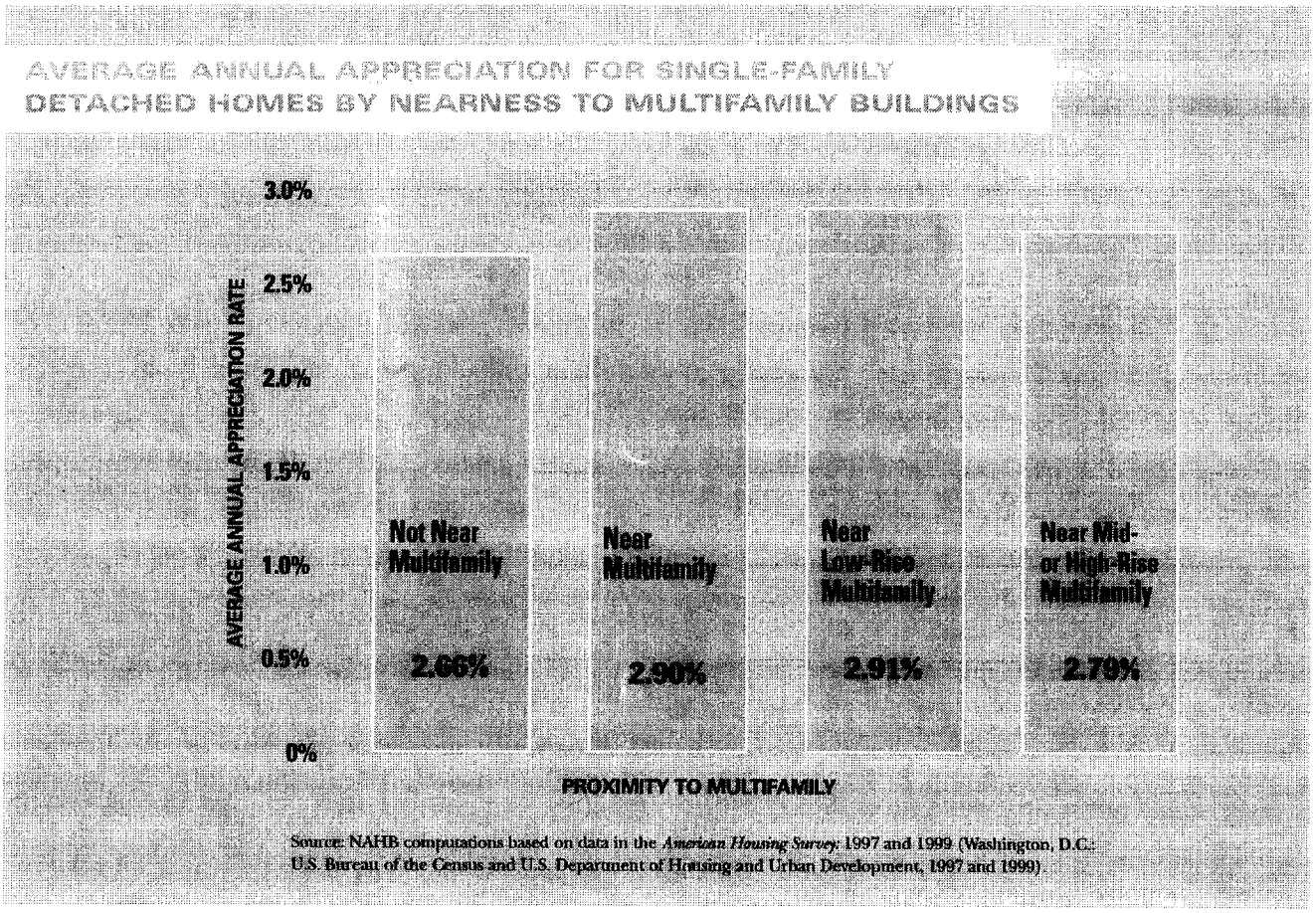
Not only is there compelling evidence that increased density does not hurt property values of nearby neighbors: researchers at Virginia Tech University have concluded that over the long run, well-placed market-rate apartments with attractive design and landscaping actually increases the overall value of detached houses nearby.[21] They cite three possible reasons. First, the new apartments could themselves be an indicator that an area's economy is vibrant and growing. Second, multifamily housing may increase the pool of potential future homebuyers, creating more possible buyers for existing owners when they decide to sell their houses. Third, new multifamily housing, particularly as part of mixed-use development, often makes an area more attractive than nearby communities that have fewer housing and retail choices.[22]

PROFILE

Echelon at Lakeside

Echelon at Lakeside is the only multifamily development in an upscale, master-planned single-family suburban neighborhood of Lakeside on Preston in Plano, Texas a suburb of Dallas. Florida-based developers Echelon Communities, LLC, overcame initial community opposition from area residents through high-quality innovative design. The award-winning architecture blends seamlessly with the surrounding neighborhood's traditional style. Larger-than-normal floor plans, individual entries, and attached garages combine to mirror the grand estates in the surrounding communities. Although street elevations make the buildings appear to be one single-family home, they actually house several multifamily units. Memphis-based architects Looney Ricks Kiss used five building types and three building styles. All units include high-quality interior finishes; community amenities include a resort-style pool, fitness facility, clubroom, business and conference center, and full-time concierge.

The award-winning apartments at Echelon at Lakeside were designed to blend with the neighboring luxury homes.



Source: NAHB computations based on data in the *American Housing Survey* 1997 and 1999 (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1997 and 1999).

Concerned citizens should use the entitlement process to demand high-quality development in their communities while understanding that density and adjacent property values are not inversely related. Higher-density real estate developers and investors in higher-density real estate need to appreciate the fact that most Americans' wealth is held in their home equity. Therefore, changes in property values can have very real consequences to existing property owners. Likewise, homeowners would benefit from knowing that developers make a substantial financial commitment when investing in new higher-density projects. This investment is an incentive to make the project successful, which can give the community leverage in working with the developer. Such interrelated and overlapping economic interests among these stakeholders make it all the more likely that a mutually beneficial agreement can be reached. Such an agreement can result in a project that enhances the existing community, ensures the appreciation of residents', developers', and the local government's financial interests, and addresses the needs of current and future residents of the community and region.

MYTH

Higher-density development creates more regional traffic congestion and parking problems than low-density development.

FACT

Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

Most people assume that higher-density development generates more traffic than low-density development and that regional traffic will get worse with more compact development. In fact, the opposite is true. Although residents of low-density single-family communities tend to have two or more cars per household, residents of high-density apartments and condominiums tend to have only one car per household.[23] And according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled by 38 percent.[24]

PROFILE

Mockingbird Station

The residents of Mockingbird Station in Dallas, Texas, are far less dependent on their cars, because they have a whole host of amenities at their doorstep. Dallas developer Ken Hughes partnered with Denver-based Simpson Housing Group to create the ten-acre pedestrian-oriented urban village, which includes 216 loft apartments, an eight-screen film center and café, more than 90 shops and restaurants, offices, an enclosed public plaza, and parking, all directly linked to the Dallas Area Rapid Transit (DART) light-rail system. Mockingbird Station provides direct platform access to DART trains, which offer residents an eight-minute commute to Dallas's central business district and a single train connection to the Dallas Convention Center, Reunion Arena, and other downtown entertainment. The new village is also immediately adjacent to the campus of Southern Methodist University and within walking distance of the university's new stadium and sports center. RTKL created architecture reminiscent of historic train stations but with a modern twist to the materials and detailing. Although only limited driving is necessary, a parking garage is provided but placed out of sight and underground. The myriad materials, architectural styles, and amenities create a vibrant transit-oriented community.

UC URBAN

Residents of Mockingbird Station can leave their cars in the garage and take an eight-minute train ride to downtown Dallas; they can also walk to shops, offices, and a movie theater.

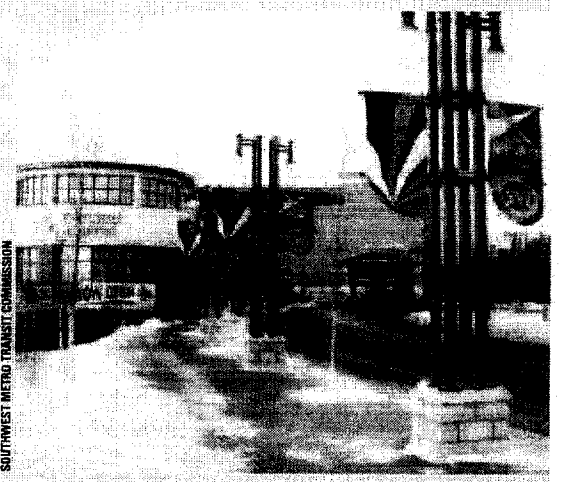
The reason is that higher-density developments make for more walkable neighborhoods and bring together the concentration of population required to support public transportation. The result is that residents in higher-density housing make fewer and shorter auto trips than those living in low-density housing.[25] Condominium and townhouse residents average 5.6 trips per day and apartment dwellers 6.3 car trips per day, compared with the ten trips a day averaged by residents of low-density communities. (A trip is defined as any time a car leaves or returns to a home.)

Increasing density can significantly reduce dependency on cars, but those benefits are even greater when jobs and retail are incorporated with the housing. Such mixed-use neighborhoods make it easier for people to park their car in one place and accomplish several tasks, which not only reduces the number of car trips required but also reduces overall parking needs for the community. But if retail uses are to survive, they must be near households with disposable income. Having those households within walking distance of the shops builds in a market for the stores. One study indicates that in some markets, 25 to 35 percent of retail sales must come from housing close to shops for the shops to be successful.[26]

PROFILE

Southwest Station

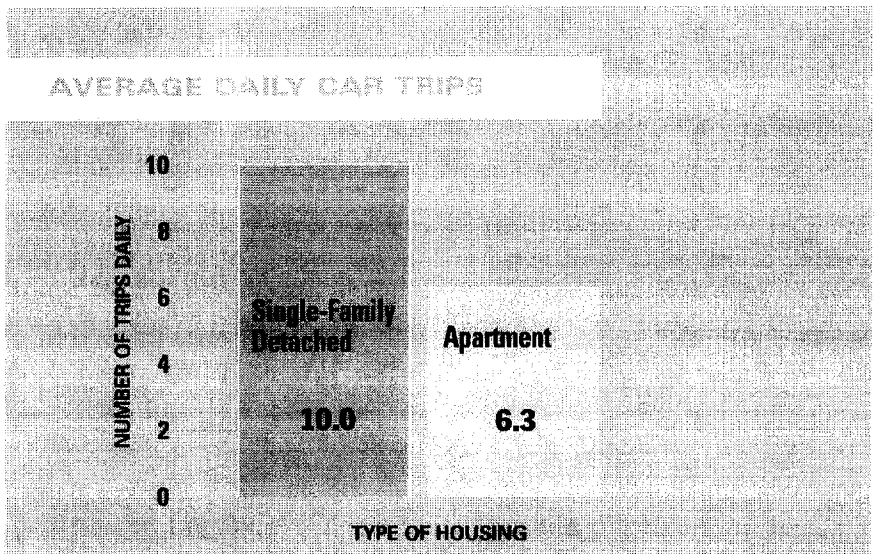
The Southwest Metro Transit Commission is a small suburban bus system near Minneapolis that serves downtown Minneapolis and numerous other employment and recreation centers, including Minnesota Twins baseball games. The American Public Transportation Association calls it the "best small system in the country." In an effort to capitalize and expand on the success of the system, the commission has encouraged transit-oriented development at its bus stops. In Eden Prairie, Minnesota, the commission completed a bus depot and five-story parking garage on 22 acres of excess right-of-way. In 2001, it started selling land around the transit complex for retail and residential development. Restaurants, shops, and more than 250 apartments, condominiums, and townhouses soon followed. The new development generated revenue for the commission, new public transit riders, affordable convenient housing, and a suburban lifestyle with the amenities usually afforded only to city dwellers.



SOUTHWEST METRO TRANSIT COMMISSION

The Southwest Metro Transit Commission in suburban Minneapolis runs an award-winning bus system and has encouraged higher-density development around transit stops, like this one at Southwest Station in Eden Prairie, Minnesota.

With a typical family now making more car trips for family, personal, social, and recreational reasons than for commuting to work,[27] reducing the number of noncommuting trips takes on greater importance in the battle to reduce traffic congestion and parking problems. A case study in Washington, D.C., found that workers in dense downtown Washington made 80 percent of their mid-day trips by foot while suburban workers made 67 percent of their mid-day trips by car.[28] Although a suburban office park would never reach the density levels of a downtown area, planners can still reduce the auto dependency of suburban office workers by using some of the same design techniques. Concentrating density around



Source: Institute of Traffic Engineers, *Trip Generation*, 6th Edition, vol. 1 (Washington, D.C.: Author, 1997).

suburban offices, allowing and encouraging retail and restaurants in and near the offices, and planning for pedestrian and bike access can all reduce the number of lunchtime car trips required by office workers.

Higher-density mixed-used developments also create efficiencies through shared parking. For example, office and residential uses require parking at almost exact opposite times. As residents leave for work, office workers return, and vice versa. In addition, structured parking becomes feasible only with higher-density developments.

Higher-density development also makes public transit more feasible. When a community that includes residences, shops, and offices reaches a certain threshold of density, public transit-shuttles, bus service, trams, or light rail becomes an option for residents. It is estimated that a minimum density of seven dwelling units per acre is needed to make local bus service feasible with an intermediate level of service.[29] Light rail needs a minimum density of nine dwelling units per acre to be feasible.[30] When a community can take advantage of these options and increase the transportation choices for residents, relief is greater as total car dependency is further broken. Such choices are impossible for low-density developments.

MYTH

Higher-density development leads to higher crime rates.

FACT

The crime rates at higher-density developments are not significantly different from those at lower-density developments.

People sometimes associate density with crime, even though numerous studies show that no relationship exists between the two. A study in Irving, Texas, using geographic information systems and crime statistics, found no link between crime and density. In fact, it found that single-family neighborhoods are "not all associated with lower crime rates."[31] Another study conducted by the University of Alaska found no relationship between housing density and crime in Anchorage.[32]

PROFILE

Westminster Place

Although today Westminster Place is a thriving, safe community in midtown St. Louis, it was not always the case. The area, approximately 90 acres, was well known by the St. Louis police department for its high rate of violent crime, which led to the area's becoming blighted. McCormack Baron Salazar, a St. Louis–based developer, brought the community back through the addition of higher-density mixed-income housing comprising affordable and market-rate units. The master plan included for-sale and rental housing, garden apartments, townhouses, single-family homes, and even an assisted living facility for seniors. A new community pool, a bustling retail center, and a magnet school are included as well. The new plan slowed traffic through the community, added landscaping and street and parking lot lighting, and new "eyes on the street," making it more difficult for criminals to go unnoticed. The area blossomed into a place where people once again feel safe walking. The success of the community spurred the revitalization of surrounding areas.

MCCORMACK BARON SALAZAR

Increasing the housing density, adding some market-rate housing, and developing a design that slowed traffic and added additional lighting changed Westminster Place from a crime-ridden neighborhood to a thriving, safe community.

PROFILE

East Village

East Village is a small urban revitalization project on the edge of downtown Minneapolis. Before the project was built, the neglected 2.9-acre site contained several deteriorating rental homes, old commercial buildings, and abandoned surface parking lots. The neighborhood wanted to improve the area and the image of one of the city's oldest neighborhoods, Elliot Park. The developers of the project, Central Community Housing Trust and East Village Housing Corporation, developed the new mixed-income housing and commercial community to encourage a sense of community and ownership. East Village now features community green space, pedestrian paths, and neighborhood businesses. Buildings surround the greenway that leads to Elliot Park, a city park with year-round activities and a community center. Brick, bay windows, and French balconies complement historic buildings in the area. In addition, all buildings have multiple entrances to encourage interaction among neighbors. An underground 350-space parking garage frees up space for landscaped areas. This once neglected area has won two awards for innovation and design and become an exceedingly successful vibrant and safe community.

CENTRAL COMMUNITY HOUSING TRUST

The additional "eyes on the street" created by the development of East Village in Minneapolis has led to a safer vibrant community.

Arizona researchers found that when police data are analyzed per unit, apartments actually create less demand for police services than a comparable number of single-family houses. In Tempe, Arizona, a random sample of 1,000 calls for service showed that 35 percent originated from single-family houses and just 21 percent came from apartments. Similarly, a random sample of 600 calls for service in Phoenix, Arizona, found that an apartment unit's demand for police services was less than half of the demand created by a single-family house.[33]

One reason for the misperception that crime and density are related could be that crime reports tend to characterize multifamily properties as a single "house" and may record every visit to an apartment community as happening at a single house. But a multifamily property with 250 units is more accurately defined as 250 houses. To truly compare crime rates between multifamily properties and single-family houses, the officer would have to count each household in the multifamily community as the equivalent of a separate single-family household. When they do so, many find what the previous studies prove: that crime rates between different housing types are comparable.

Higher-density developments can actually help reduce crime by increasing pedestrian activity and fostering a 24-hour community that puts more "eyes on the street"[34] at all times. Many residents say they chose higher-density housing specifically because they felt more secure there; they feel safer because there are more people coming and going, making it more difficult for criminals to act without being discovered. This factor could explain why a ULI study of different housing types in Greenwich, Connecticut, shows that higher-density housing is significantly less likely to be burglarized than single-family houses.[35] The relationships among design, management, and security became better understood in the past few decades with the publication of several seminal works, including *Defensible Space: Crime Prevention through Urban Design* by Oscar Newman[36] and *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities* by George Kelling and Catherine Coles.[37] Many new higher-density developments include better lighting plans and careful placement of buildings and landscaping to reduce opportunities for crime, contributing to a safer community.

With the emergence of better-quality designs, higher-density mixed-use development is an attractive and safe addition to a community, one that is increasingly attracting a professional constituency seeking safety features. In fact, the luxury segment is one of the fastest-growing components of the multifamily industry.[38]

MYTH

Higher-density development is environmentally more destructive than lower-density development.

FACT

Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

Low-density sprawl takes an enormous toll on our air, water, and land. The United States is now losing a staggering 2 million acres of land a year to haphazard, sprawling development.[39] More than 50 percent of Americans live in places where the air is unhealthy to breathe,[40] and childhood asthma and other respiratory diseases are on the rise.[41] Almost half the damage to our streams, lakes, and rivers is the result of polluted runoff from paved surfaces.[42]

It is inefficient land use, not economic growth, that accounts for the rapid loss of open space and farms. Since 1994, housing lots larger than ten acres have accounted for 55 percent of the land developed.[43] This loss of land often causes unexpected economic challenges for rural communities, where farmland, forests, ranchland, and open space tend to be the economic drivers that attract businesses, residents, and tourists. Low-density sprawl compromises the resources that are the core of the community's economy and character. The majority of American homeowners think it is important to stop these trends. In fact, 76 percent of local ballot initiatives related to land conservation passed in November 2004, making $2.4 billion in funding available for protection of parks and open space.[44] But purchasing land is only part of the solution and not always an option for financially strapped governments.

Higher-density development offers the best solution to managing growth and protecting clean air and clean water. Placing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools, and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community. Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community: watersheds, wetlands, working farms, open space, and wildlife corridors. It further minimizes impervious surface area, which causes erosion and polluted stormwater runoff. Two studies completed for the state of New Jersey confirm that compact development can achieve a 30 percent reduction in runoff and an 83 percent reduction in water consumption compared with conventional suburban development.[45]

PROFILE

Prairie Crossing

The developers of Prairie Crossing, George and Vicky Ranney, saved $1 million in infrastructure costs through environmentally sensitive design. The 677-acre conservation community is located in Grayslake, Illinois, 40 miles northwest of Chicago and one hour south of Milwaukee. The community features 350 acres of open space, including 160 acres of restored prairie, 158 acres of active farmland, 13 acres of wetlands, a 22-acre lake, a village green, and several neighborhood parks. Houses are sited to protect natural features such as hedgerows, native habitat, and wetlands. Designed with colors and architecture inspired by the landscape, every home has a view of open space and direct access to ten miles of on-site walking and biking trails. Wide sidewalks, deep front porches, and rear garages encourage neighbors to meet. The homes were built with U.S. Department of Energy–approved green building techniques. As a result, they are 50 percent more energy efficient than other homes in the Chicago area, and they sell for a 33 percent sales premium. Station Village is the last phase of Prairie Crossing. When complete, it will include residential, retail, and office space, all within walking distance of two commuter train stations. Residents can ride Metra's North Line to Chicago's Union Station or the Central Line to downtown Chicago and O'Hare Airport.

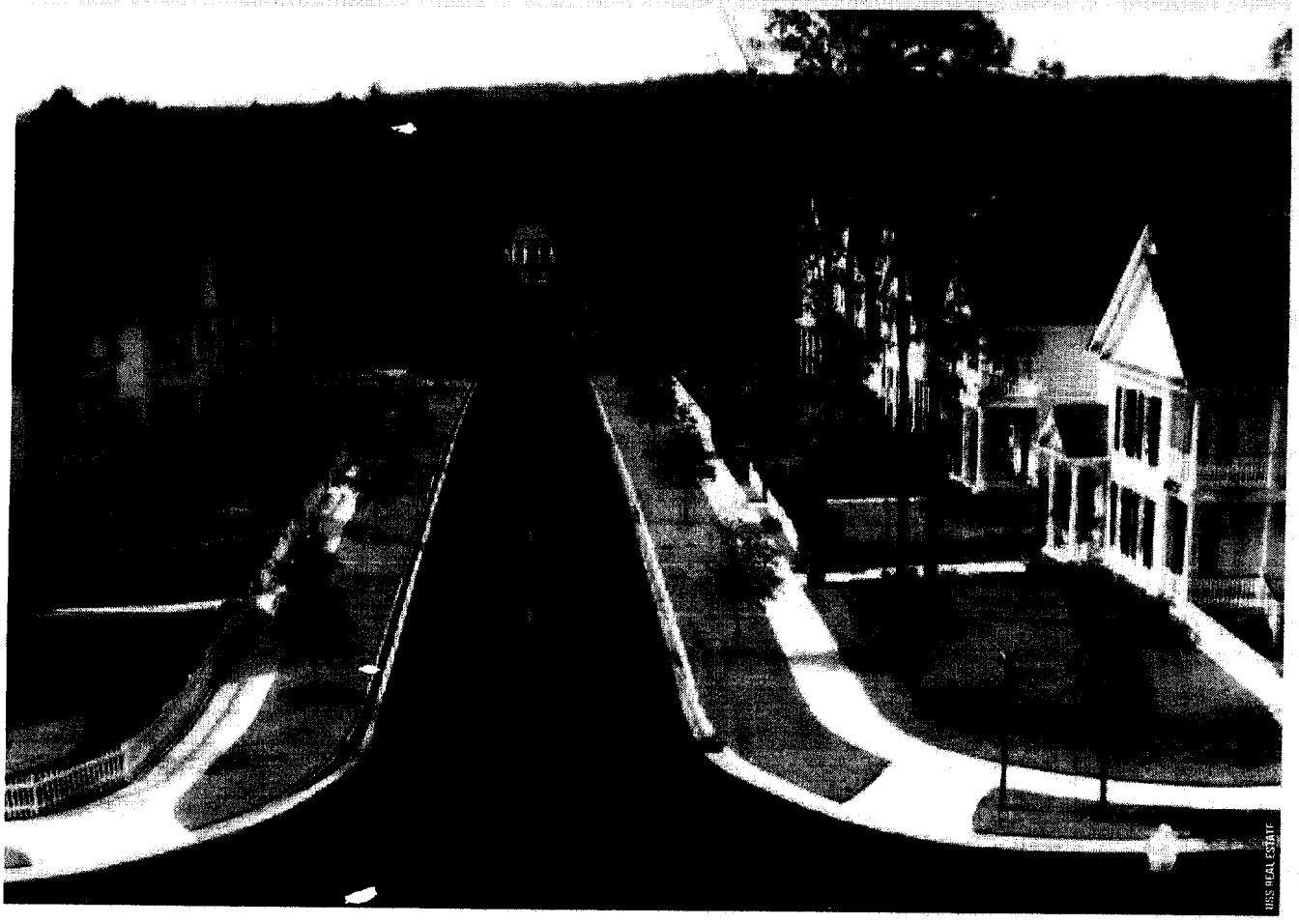
More than half the land at Prairie Crossing was preserved as open space, and homes were built with approved green building techniques.

PROFILE

The Preserve

USS Real Estate originally held a 550-acre tract of land in Hoover, Alabama, but sold 250 acres to the city, intending to create the Moss Rock Nature Preserve. The 680 single-family homes, 50,000 square feet of retail, and 50,000 square feet of office space are concentrated on the remaining 311-acre site. Before development of the Preserve, Hoover was characterized by sprawling conventional development and lacked a town center. The Preserve's future town center is planned to include 34 live/work units, 14 retail units, and two restaurants: at the heart of the community is the village green, an impressive eight-acre park with a town hall, a fitness center, a junior olympic swimming pool, and a kiddie pool. Residents have access to 15 acres of parks and seven miles of trails that connect to award-winning Hoover schools and the newly created Moss Rock preserve.

Clustering development at the Preserve in Hoover Alabama, enabled the creation of the 250-acre Moss Rock Nature Preserve.



Many communities employ techniques such as infill and brownfield development to transform unused, abandoned lots into vibrant, revenue-generating components of the community. Some create direct incentives for higher-density development. The city of Austin, Texas, for example, created a program that rewards developers for locating projects in the city's existing neighborhoods and downtown. Others award points for a variety of attributes, such as transit access, the redevelopment of empty lots, and an increase in pedestrian facilities. By employing standards for factors like open space, dense development, and impact on water quality, communities can facilitate good urban design that preserves natural resources.

Although a well-designed higher-density community offers residents a higher-quality environment, poorly planned sprawl does the opposite. Because low-density sprawl gobbles up so much land through large-lot zoning, it ends up destroying the very thing most people moved there for in the first place—the natural areas and farmland. It forces people to drive longer distances, increasing regional air quality problems. The average American man spends 81 minutes behind the wheel every day, while women average 63 minutes. And surveys show that the time spent driving has been consistently increasing every year.[46] The national road network, currently at 4 million miles according to the U.S. Department of Transportation, is still growing at an alarming rate, mainly for the purpose of connecting new low-density suburbs back to core communities. Along with the water and air pollution, construction of these highways perpetuates the cycle of sprawl, fragments wildlife habitats, and dries up a community's financial coffers.

Increasing density not only improves air and water quality and protects open space but also redirects investments to our existing towns and cities. It can revitalize existing communities and create more walkable neighborhoods with access to public transit and hiking and biking trails. Pedestrian-friendly higher-density developments offer general health benefits as well. Mixed land uses give people the option to walk and bike to work, shops, restaurants, and entertainment. The convenience of compact communities may help fight diseases related to obesity.[47] Higher-density communities are vital to preserving a healthy environment and fostering healthy lifestyles.

MYTH

Higher-density development is unattractive and does not fit in a low-density community.

FACT

Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

Higher-density development comes in many forms. Some of the most attractive well-planned modern development is built at a high density. Across America, appealing higher-density mixed-use town centers have been wildly popular with the public. Lushly landscaped boulevards, fountains, and showcase architecture have created a sense of place in areas previously known only for faceless, uninteresting low-density development. The enduring appeal

PROFILE

Post Riverside

Atlanta is often called the poster child for suburban sprawl. However, it is also the home of Post Riverside, a revolutionary new mixed-use pedestrian-oriented community developed by Atlanta-based Post Properties, Inc., and located on the banks of the Chattahoochee River between Atlanta's bustling Buckhead and Vinings communities. As is the trend nationally, 65 percent of all vehicle trips in Atlanta are to run errands, not to commute to work. With offices, shops, and restaurants within walking distance of the apartments, Post Riverside residents depend on autos much less than their neighbors in lower-density areas. In addition, the community is connected to Atlanta's MARTA subway system and the Cobb County transit system. This award-winning 85-acre mixed-use development includes 25,000 square feet of retail space, 225,000 square feet of office space, and 535 apartments, all designed around a gracious town square. For many people, this amenity-rich, low-maintenance lifestyle better suits their needs than a traditional single-family home in a low-density neighborhood.

POST PROPERTIES, INC. PHOTOGRAPH ©TRY KINDS

Post Riverside in Atlanta demonstrates that higher-density development can be attractive and successful in a community known for lower-density development.

and desirability of older and more gracious higher-density neighborhoods—Georgetown in Washington, D.C., Beacon Hill and Back Bay in Boston, and Lincoln Park in Chicago—attest to the fact that some of the more desirable neighborhoods in America historically have been of higher density than that found in typical outer suburbs.

This return to the design principles of the past is at the core of the new urbanist movement that took hold in the 1990s. The movement grew as many people came to miss the sense of community that was created by the mixed-density and mixed-use communities of the past. They realized that low-density subdivisions isolated their owners not only from pedestrian access to shops and offices but also from their neighbors. The growing sense of social alienation, highlighted in books like Robert Putnam's *Bowling Alone*,[48] has led many back to the comfort of communities that are a reminder of the places where many of us grew up. These new communities combine the best design ideas of the past with the modern conveniences of today to provide residents with what has been missing from many sprawling areas—a sense of community.

Today's developers, architects, and planners know that to attract customers and to secure zoning approvals and community acceptance, they must produce attractive and innovative properties that complement their surroundings. Design professionals are driven to produce projects that meet users' demands, understand and respond to the context of a site, enhance its neighborhood, and are built to last.[49] In fact, attendance at a recent American Institute of Architects–sponsored conference on density far surpassed expectations, speaking to the interest among land use professionals in addressing the design issues associated with density.[50]

It is plausible that the high level of citizens' opposition to density may be based on an outdated notion of what higher-density development looks like. A University of North Carolina study revealed that when given a choice between two attractively designed communities, one higher density and the other low density; the majority preferred the higher-density option.[51] Other visual preference surveys confirm that there is an almost universal negative reaction to the visual appearance of commercial strip sprawl and an almost universal positive reaction to traditional town-like communities of the past, communities that almost invariably included a mix of densities and uses.[52]

PROFILE

The Plaza at the Arboretum

This award-winning mixed-use project in Santa Monica, California, developed by California-based Legacy Partners, achieves a density of 97.5 dwelling units per acre. The attractive seven-story building includes 10,000 square feet of retail space and 350 apartment units ranging from 612 to 1,555 square feet. The architecture firm Meeks and Partners used strong geometric forms to create a playful architectural character that fits nicely in the avant-garde Hollywood studio section of Santa Monica. The development includes a swimming pool, spa, fitness center, and clubhouse.

Higher-density developments like the Plaza at the Arboretum present opportunities to create outstanding award-winning architecture.

No one in suburban areas wants higher-density development.

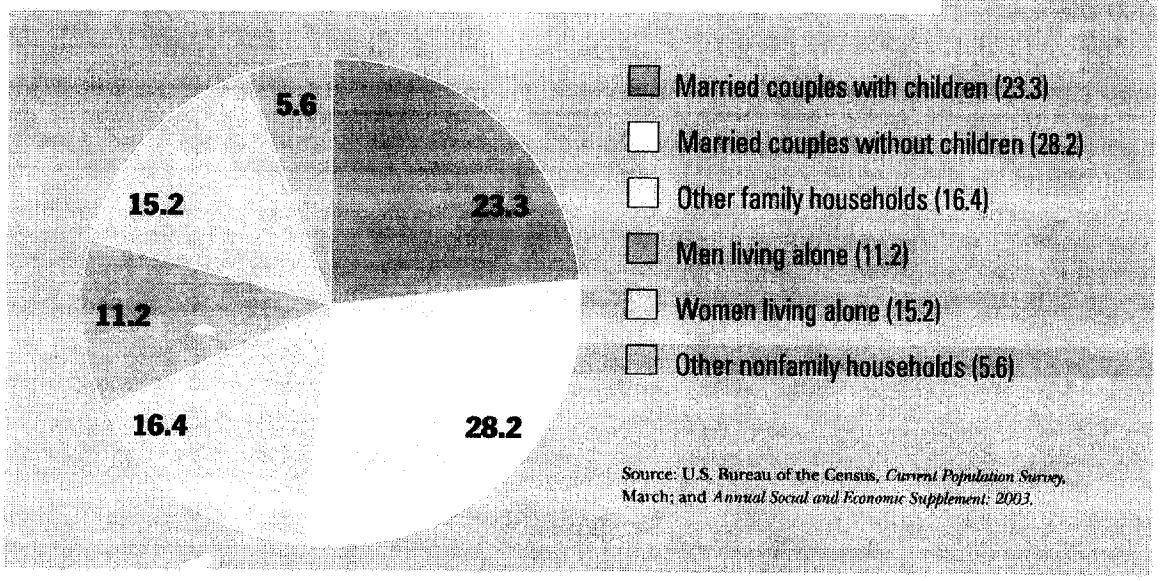
FACT

Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.

When many of us think of the American Dream, we envision married couples with children living in single-family detached houses in the suburbs. The notion is that the only people who want to live in higher-density areas are those who cannot afford a traditional house with a back yard or who want to live in the middle of the city. Both perceptions are flawed.

This country's population is changing, and so are its real estate preferences. These lifestyle changes have significant implications for suburban development. For the first time, there are more single-person households (26.4 percent) than married-

HOUSEHOLDS BY TYPE: 2003 (PERCENTAGE OF TOTAL)



Source: U.S. Bureau of the Census, *Current Population Survey*, March; and *Annual Social and Economic Supplement: 2003*.

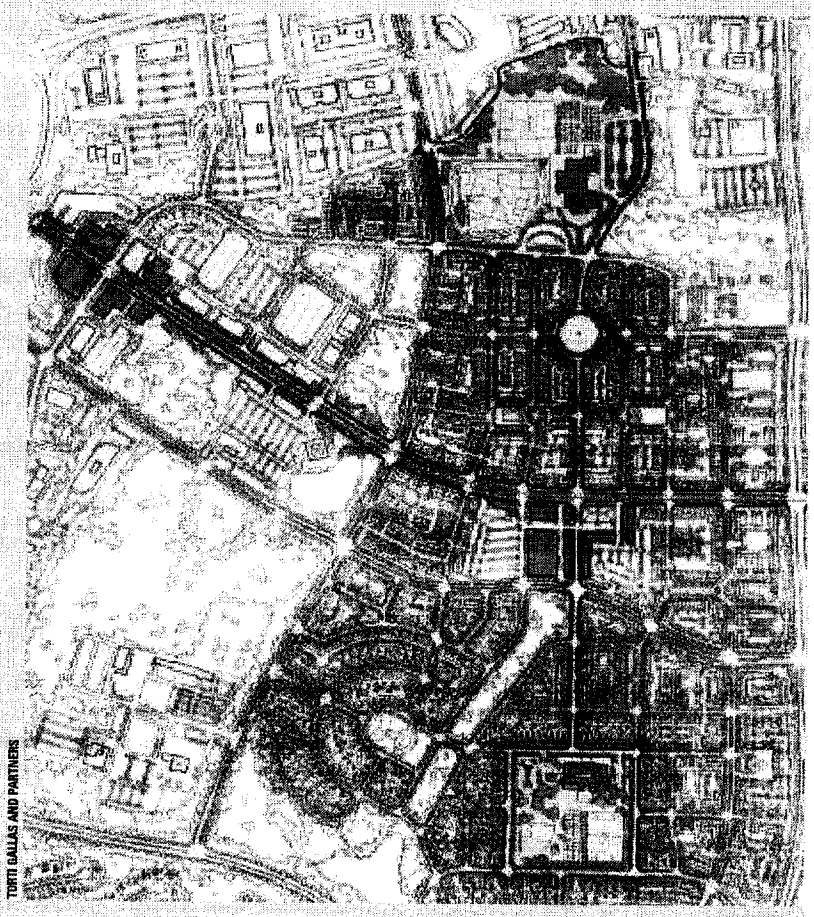
couple-with-children households (23.3 percent).[53] The groups growing the fastest, people in their mid-20s and empty nesters in their 50s, are the groups most likely to look for an alternative to low-density, single-family housing.[54]

A growing number of Americans are redefining their American Dream. They are seeking a more convenient and vibrant lifestyle. And while some seek this lifestyle in cities, many others seek the same lifestyle in the suburbs. According to a 2002 study by the National Association of Home Builders, more than half the renters questioned said they wanted to live in the suburbs.[55] Moreover, a national survey of homebuyers' community preferences found that nearly three-quarters of all

PROFILE

King Farm

This 430-acre community is characterized by the historic architecture of the region but offers an assortment of modern conveniences as well. Developed by King Farm Associates, LLC, King Farm is located in Rockville, Maryland, five miles from the Washington, D.C., beltway, 15 miles from downtown D.C., and walking distance from the Shady Grove Metro station. The neighborhood was designed for pedestrians, but the King Farm shuttle makes getting around even easier. The shuttle runs a complimentary route between the King Farm Village Center, the Metro station, and the Irvington Center, a 90-acre commercial complex next to the Metro. In addition, two types of public bus service are available at King Farm. At the Village Center, 120,000 square feet of retail space is within walking distance from both residential and commercial development. The center also includes 47 loft apartments and a one-acre village green. Watkins Pond and Baileys Common are King Farm's two residential villages. They offer single-family homes, townhouses, condominiums, and luxury apartments intertwined with natural areas. The center of Watkins Pond is a 12-acre city park with tennis and basketball courts, a soccer and softball field, two playgrounds, several picnic areas, benches, and paths.



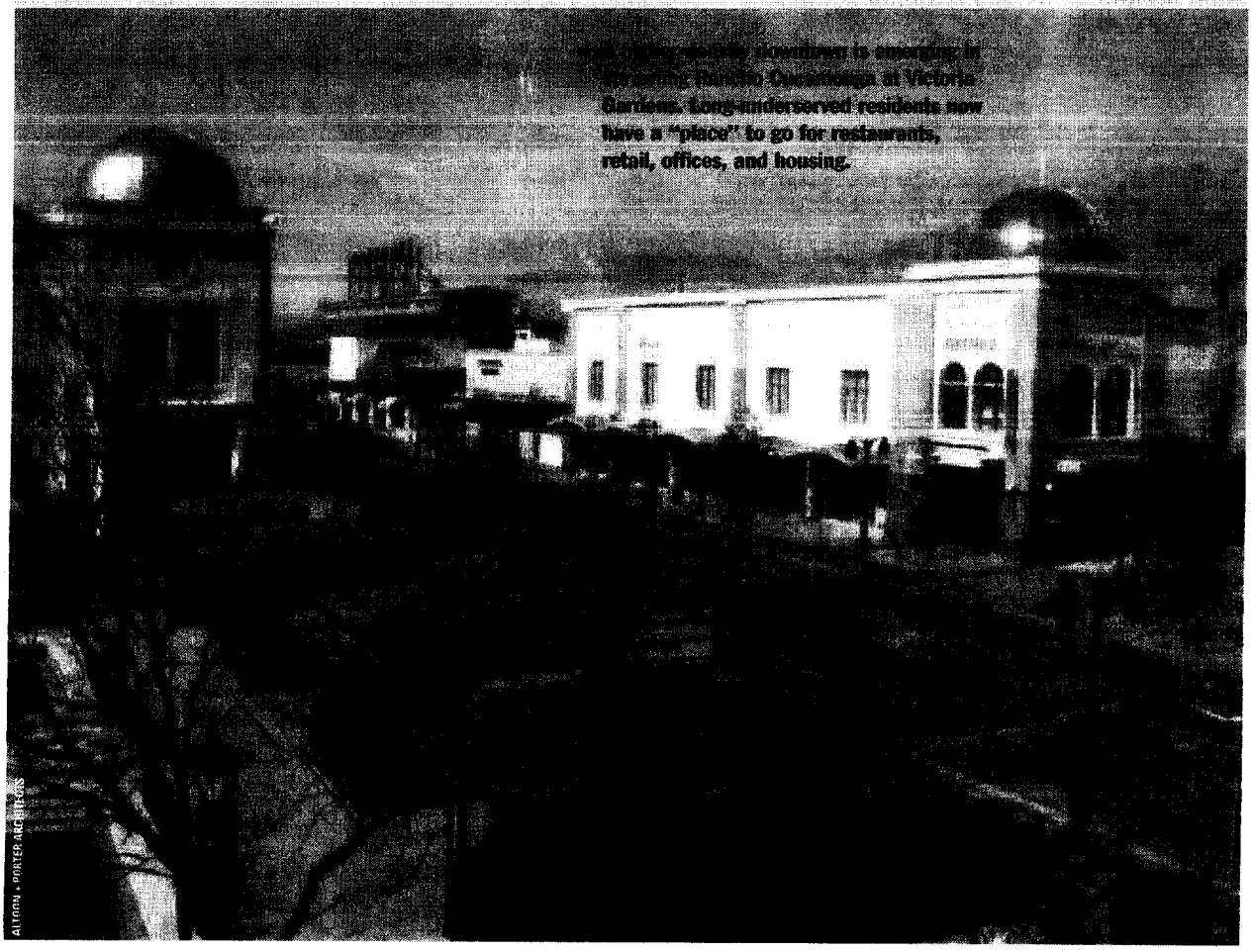
TORTI GALLAS AND PARTNERS

King Farm is a successful higher-density suburban community that integrates housing, retail shops, offices, and public transit.

PROFILE

Victoria Gardens

The city of Rancho Cucamonga, located roughly 60 miles east of Los Angeles in California's Inland Empire, has a rich agricultural history and, more recently, a history of low-density sprawl with no real city center. This situation is changing, however, with the opening of the first phases of a huge new mixed-use development known as Victoria Gardens. The development, designed by L.A.–based architects, Altoon + Porter, and being developed jointly by California-based developers Forest City California and the Lewis Investment Company, will create a vibrant higher-density downtown where none previously existed. Rapidly growing Rancho Cucamonga has been traditionally underserved by restaurants and entertainment options. The long-awaited addition of a "place" in the city has been well received by residents. The 147-acre development will eventually contain 1.3 million square feet of commercial and community space, including retail, entertainment, office, and civic uses with a cultural center and a library. Twenty acres of housing on site will allow people to live within walking distance of all the amenities of Rancho Cucamonga's new downtown.



A vibrant, mixed-use downtown is emerging in Rancho Cucamonga at Victoria Gardens. Long-underserved residents now have a "place" to go for restaurants, retail, offices, and housing.

ALTOON + PORTER ARCHITECTS

buyers prefer to live in a community where they can walk or bike to some destinations.[56] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[57] These surveys confirm that many people prefer the suburbs but want the amenities traditionally associated with cities, including living close to work.

With the continuing decentralization of cities and the rise of suburban communities with urban-like amenities, many people find that they can live and work in the suburbs with all the attributes of suburbia they desire without giving up walkability and convenience. A recent study confirms that in many regions, more office space is located in suburban locations than downtowns,[58] providing an opportunity for people to live near their jobs. Communities and developers that have recognized and responded to the dual trends of decentralized offices and a growing desire for a more convenient lifestyle have been rewarded. Well-placed mixed-use, higher-density developments in the suburbs are increasingly popular, creating a new sense of place.

Communities are being developed using the best concepts of traditional communities—smaller lots, a variety of housing types, front porches and sidewalks, shops and offices within walking distance, and public transit nearby. Communities like Celebration in Florida and King Farm in Maryland have been so popular with the homebuying public that past worries over whether the demand exists for them have been replaced by concerns about their rapid price appreciation, putting them out of the reach of all but the highest-income households. Today's real demographic and lifestyle changes are inspiring a return to traditional development styles that offer walkable, bikeable, and more dynamic communities that put residents closer to shops, offices, and parks.

MYTH

Higher-density housing is only for lower-income households.

FACT

People of all income groups choose higher-density housing.

Multifamily housing is not the housing of last resort for households unable to afford a single-family house. Condominiums, for instance, are often the most sought after and highly appreciating real estate in many urban markets. The luxury segment of the apartment market is also rapidly expanding. Most people are surprised to learn that 41 percent of renters say they rent by choice and not out of necessity, and households making more than $50,000 a year have been the fastest-growing segment of the rental market for the past three years.[59] Multifamily housing throughout the world has historically been the housing of choice by the wealthiest individuals because of the access and convenience it provides. From Manhattan to Miami to San Francisco, higher-density housing has been prized for the amenity-rich lifestyle it can provide.

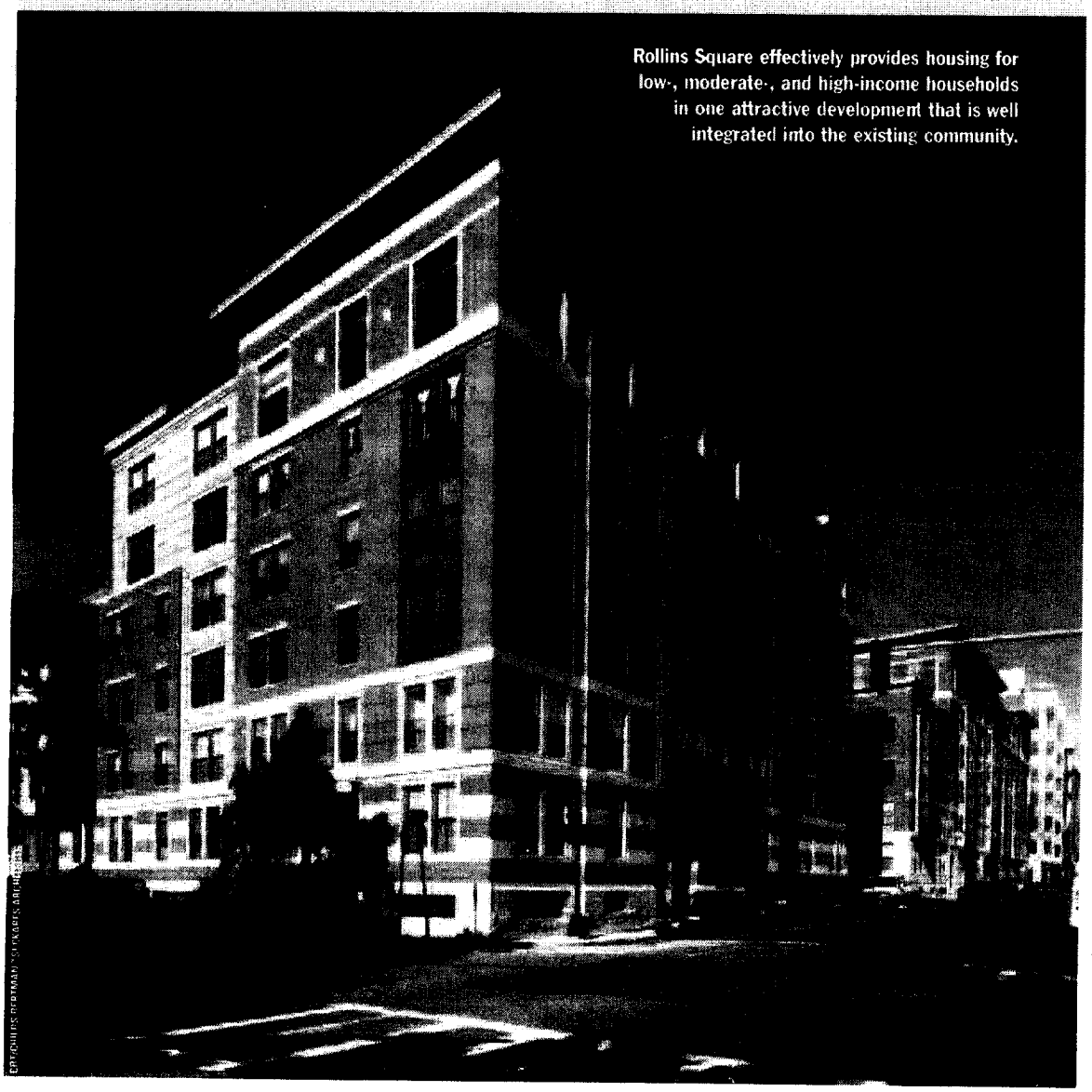
Higher-density development can be a viable housing choice for all income groups and people in all phases of their lives. Many financially secure baby boomers, who have seen their children leave the nest, have chosen to leave behind the yard maintenance and repairs required of a single-family house for the more carefree and convenient lifestyle multifamily housing provides. Interestingly, their children, the echo boomers, are entering the age where many will likely live in multifamily housing. Just starting careers, many are looking for the flexibility of apartment living to follow job opportunities. Their grandparents, likely on a fixed income, may also prefer or need to live in multifamily housing as physical limitations may have made living in a single-family house too challenging.

Providing balanced housing options to people of all income groups is important to a region's economic vitality. The availability of affordable multifamily housing helps attract and retain the workers needed to keep any economy thriving. In many American towns and cities, rapidly rising house prices are forcing working families to live farther away from their jobs. In fact, the lack of affordable housing is mentioned as the number one problem facing working families today.[60]

PROFILE

Rollins Square

Rollins Square, a mixed-use development in Boston's South End, is a truly mixed-income community that provides housing for a wide spectrum of people in all income brackets. Twenty percent of the overall units are reserved for people whose income is 30 to 60 percent of the Boston area median income (AMI), 40 percent are for-sale condominiums reserved for working households with incomes 80 to 120 percent of the AMI, and the remaining 40 percent are market-rate units selling for up to $750,000. The residences occupy two city blocks and integrate seamlessly into the existing neighborhood. The varying heights and diverse exterior materials give the appearance that the development was constructed over time. Rollins Square was developed by the Planning Office for Urban Affairs, Inc., a nonprofit developer associated with the Archdiocese of Boston.



Rollins Square effectively provides housing for low-, moderate-, and high-income households in one attractive development that is well integrated into the existing community.

PROFILE

I'On

I'On is a 244-acre master-planned community along the deep-water marshes of Hobcraw Creek in Mount Pleasant, South Carolina. Just six miles east of Charleston, the community features 700 single-family homes, community facilities, and a small-scale commercial area. Vince Graham, principal with the I'On Company, is developing six residential neighborhoods connected by narrow streets, pedestrian corridors, and community spaces. An I'On Guild member, one of 18 builders selected for experience, talent, and financial strength, builds each individual home. The architecture is inspired by classic Lowcountry style with large balconies, deep front porches, and tall windows on even taller homes. Homes now sell for $685,000 to $1.7 million. Community facilities include I'On Square, I'On Club, the Creek Club, and the Mount Pleasant Amphitheater. Residents also enjoy easy access to the Cooper and Wando rivers, the Charleston harbor, and the Atlantic Ocean. One neighborhood boat ramp and four community docks are available for crabbing and fishing. Two miles of walking trails are available for residents; a five-acre pond, the Rookery, is a protected nesting site for wading birds. In addition, the public and private schools in Mount Pleasant are some of the best in the area.

I'ON COMPANY

Some home prices in the well-planned higher-density community of I'On are approaching $2 million. The traditional neighborhood design combined with the community amenities made possible by higher densities have made the community one of the most desirable in the Charleston area.

As the problem of affordability worsens, workers on the lower end of the salary scale may move to more affordable cities, leaving a labor shortage in their wake. Such shortages make a region less desirable as an employment center. According to PricewaterhouseCoopers, access to a large and diverse labor pool is the most important factor in making corporate decisions on locations.[61] Communities that do not provide housing for all income groups become less desirable corporate locations.

NOTES

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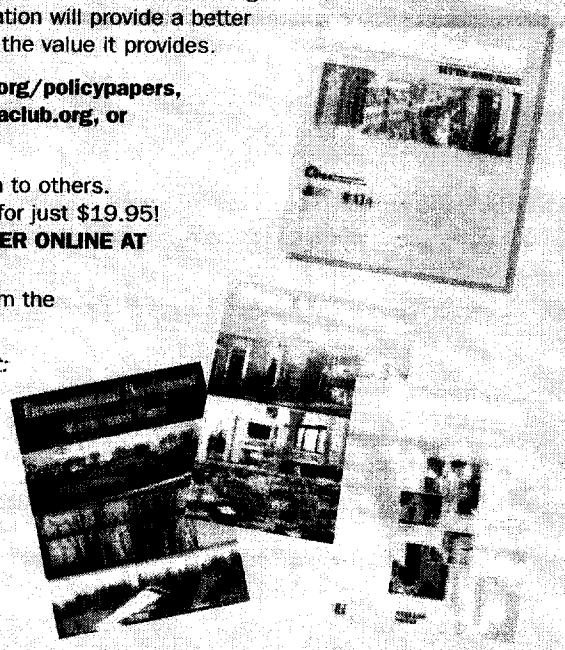

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Jacqueline Marsh - Residences at Olde Towne with Shah Property Options A and B

From: "Richard Koch" <rkoch@keystonerei.com>
To: <gossont@gaithersburgmd.gov>, <JMarsh@gaithersburgmd.gov>
Date: 04/29/2008 4:30 PM
Subject: Residences at Olde Towne with Shah Property Options A and B
CC: <jskline@mmcanby.com>

Greg and Jackie:

Option A attached is the plan that Keystone would have submitted if Shah would have agreed to sell the Shah parcel. Option B attached is a plan that shows the Shah parcel can be redeveloped independently of the the Wells parcels and therefore it is unreasonable to require that these parcels be redeveloped concurrently. In reality the two plans (Option A and B) are very similar. Let me know if you want to make any changes to these two plans, if not the plans should become part of the record.

A few new individual trees have been added to the south side of the playground on the Bermuda Triangle in the 4-28-08 colored site plan attached.

Rich

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#60
Z-308 (o)
4-21-08

From: Jim Arnoult
To: Greg Ossont
Date: 05/05/2008 2:23:30 PM
Subject: Fwd: Re: Residences at Olde Towne, #Z-308(o)

Greg,

FYI

Jim

>>> Sidney Katz 05/05/2008 8:19 AM >>>
Dear John
Thank you for your email. I am sending a copy of it to the Acting City Manager and will ask him to include in the Record for Z-308(o).
Regards,
Sidney

>>> <Ruadhe@aol.com> 5/4/2008 7:40 PM >>>

Residences at Olde Towne
Z-308(o)

To the Mayor and City Council:

I wish to make known that as a 33-year resident, as well as a member of the Olde Towne Advisory Committee since its inception, I want to add my support to the application in the above-referenced cause. Not only will it replace a declining structure at a critical gateway to the City, but its proposed façade has been calculated to resemble that which a town center would more likely contain. Its added density, at that location, would be an asset rather than an obstacle, as it would provide the "critical mass," if you please, to make much more likely the occurrence of a full-time security and maintenance staff. Our current hodge-podge of smaller garden apartments has seen some well-cared for; many not. In addition, density at that location could easily be handled by the existing roadways between the Interstate and the town center. I believe the other required infrastructure is in place. The proposal is green; the population can easily walk to transit and shopping. The design would provide a broad spectrum of units, including the truly affordable, and even though it 's likely this will start life with rental units rather than condos, I think it would provide a needed boost to the area.
If we truly want to boost the revitalization of Olde Towne, this definitely is a step in the right direction.

John Roddy
105 South Summit Avenue

**********Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food.
(http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)

CC: Trudy Schwarz

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Zone	*Max. Density (per acre)*
R-A	
R-90	**3**
R-6	**6**
RB	**6**
RP-T	**9**
R-20	**21.5**
R-18	**18**
R-H	**54**
R-O	
CB	**6 single-family or 18 multifamily**

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#62
Z-308(0)
4-21-08

Distribution M&C: 5/12/08

Honorable Mayor Sidney A. Katz and
The City Council City of Gaithersburg
31 S. Summit Avenue
Gaithersburg, Maryland 20877

MAY - 5 2008

May 3, 2008

Re: The Keystone REI Proposal for a New Residential Project in Olde Towne (1 Water Street & 49 West Diamond Avenue)

Dear Mayor Katz

As a member of the Olde Town Advisory Committee, I would like to express my support for the above proposed project. The Developer, Mr. Rick Koch, presented the proposed 191 unit residential project to the Advisory Committee on May 1, 2008. We had an excellent discussion with Mr. Koch (The Developer) about the density of the project, the excellent design elements, and average unit sizes which enable a number of the units to be affordable. We also discussed briefly the significant positive increase to real estate tax revenues this project would make to an aging property that was built in the early 1960's.

The discussion we had relative to density was extremely important, and I would like to make a few comments in this area.

- Density is key to the viable future revitalization of Olde Towne
- It is a key factor in attracting quality Retail and Class A office space. It is also a key factor in business attraction and recruitment.

- Density is a key factor which makes projects financial feasible.

- Increased Density significantly contributes to a higher quality of property management by lowering operational costs on a per unit basis.

- Ninety (90) units per acre is not overly dense by smart growth standards, particularly in an emerging new revitalized Olde Town, it will be pivotal in attracting and supporting attractive high quality uses.

In Closing, I strongly support this project and hope that the Mayor and City Council of Gaithersburg will approve the development plan for this important gateway area into the Olde Town district.

Respectfully Yours,

Neville Sinclair, Committee Member
Olde Town Advisory Committee

Cc: Richard Koch, KeystoneRei
Cindy Hines, City of Gaithersburg
David Shyat, Chair Olde Town Advisory Committee
Councilman, Henry Marraffa .

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** All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

May 6, 2008

Mayor and City Council of Gaithersburg
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Zoning Application No. Z-308(o)
Residences at Olde Towne

Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

On behalf of KEYSTONEREI, the Applicant in Zoning Application No. Z-308(o), we are pleased to submit the following comments in a question and answer format for your consideration during your deliberations of the subject zoning application that seeks a change from the R-20 Zone to the Central Business District Zone.

Q. Is 90 units per acre too dense given the circumstances of this application?

A. The Land Use Elements of the 2003 Master Plan recommends both CBD zoning for the site as well as an increase in density to the "medium residential" category. The density ceilings in the City's "medium density residential" euclidean zones are not particularly relevant to the subject zoning application as the Master Plan did not recommend rezoning to any specific medium density residential euclidean zone nor did it recommend a preferred density for the parcels.

There is no maximum density prescribed in the City's CBD Zone. To provide a framework for discussion, Montgomery County's Central Business District (CBD) zones for Wheaton, Silver Spring and Bethesda are relevant because new developments that have occurred in those areas provide appropriate examples of what is a reasonable scale for redevelopment in central business districts. The table at the top of the following page shows that density ceilings in the County's CBD zones range from 100 to 200 units per acre which would suggest that the 90 units per acre proposed in the subject rezoning application is actually low for a central business district zone.

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#64
Z-308(o)
4-21-08

Comparison City and County CBD Zones

Development Standard	City CBD	County CBD-0.5	County CBD-R1	County CBD-1	County CBD-2	County CBD-3	County CBD-R2
Minimum Green Space Percentage	none	20	20	20	20	20	20
Maximum Density/Acre in DU	none	100	125	125	200	200	200
Maximum Building Height	6 fls*	60	60	60	143	143	200

* with approval of City Council

Recently the City Council approved the Archstone multifamily redevelopment project with a density of 389 units on 6 net acres in the CBD zone. The table below shows that the average unit size in the subject zoning application is 24% smaller than the average unit size in the Archstone project.

Community		Average Unit Size	Percent
Archstone	(525,000 sq.ft./398 du)	1,319	100%
Residences	(191,500 sq.ft./191 du)	1,002	76%
Difference		317	24%

The table below compares the density proposed in the subject zoning application to the approved density in the Archstone project. If the number of units was reduced to bring the average unit size in the subject zoning application to be equal to the average unit size in the Archstone project, then the density per acre in the subject zoning application and the Archstone project are virtually the same. Simply stated, "density per acre" is a misleading computation for the "Residences at Olde Towne" and the building itself is no larger than comparable apartment projects approved elsewhere in the City.

Equivalent Density Comparison	Residences at Olde Towne		Archstone at Diamond Avenue	
	Sq.Ft.	# of DU	Sq.Ft.	# of DU
Totals	191,000	191	525,000	398
Acres (after dedications)	2.14	2.14	6.0	6.0
Density per acre	89,252	89	87,500	66
Adjustment for smaller unit size (Note 1)	0	-24%	0	0
Equivalent density per acre	89,486	68	87,500	66
Difference	2.22%	2.94%		

Note 1: The Residences' units are on average 24% smaller than the Archstone units.

Finally, for discussion purposes, on the attached block plans (Exhibit A) and Unit Matrix (Exhibit B), the Applicant has shown what would occur if it combined 34 of the proposed 65 studio units to make 17 two bedroom units. Combining these units reduces the total number of units by 17 from 191 to 174.

Combining these units doesn't change the traffic generated by the community because each of the 34 studio units will likely have one occupant and each of the two bedroom units will likely have 2 occupants. Combining these units doesn't change the site plan or development standards proposed in the zoning application. For example, the building foot print, building height, parking garage layout, and green space all remain the same. Therefore, there are no benefits that result from combining the studio units demonstrating that "density per acre" is a fictional number not related to the building's mass and scale.

However, combining these units to reduce the total number of units has negative results some of which are listed below. The negative results include but are not limited to:

- The construction cost per unit increases which causes the rent per unit to be higher.
- The cost per unit to operate and maintain the community increases which causes the rent per unit to be higher.
- The ability to initially provide and then maintain resident amenities and services like a fitness center are compromised unless higher rent can be charged.
- The economic feasibility of the project is threatened because rent needs to be higher and the income needed by residents to qualify to lease an apartment needs to be higher.
- Fewer people will be able to afford to live in the community because the number of affordable studio units is reduced and the rent for the remaining units needs to be higher.
- There is a significant reduction (9%) of smaller "affordable by design" units in the community.

Q. Does the Master Plan require simultaneous redevelopment of all of the parcels recommended in the Master Plan for CBD zoning?

A. No. The Master Plan recommendation is simply a guideline. If simultaneous redevelopment was intended to be a requirement, then the Master Plan would have included a Special Condition as defined in Section 24-170A of the Zoning Code requiring that redevelopment of all the parcels to occur at the same time.

The Applicant can demonstrate, and staff has been satisfied, that redevelopment of adjacent parcel P238 can proceed separate and apart from the three parcels included in the subject zoning application while still achieving the Master Plan's goals. Attached are two sketches (Exhibits C and D) showing how parcel P238 would be developed if controlled by the applicant, and how it would be logically developed as a "stand alone" parcel. The two options are virtually identical. These sketches show that independent development of parcel P238 would not be compromised if it was not consolidated with

the three parcels included in the subject zoning application and that the complementary development shown would be consistent with the design goals of the Master Plan. In essence, the parcels would be developed as if they were separate phases of a well thought out single redevelopment project.

Q. Does the 44% green area percentage satisfy the definition of green area in the Zoning Code and the requirement for green area in the CBD zone?

A. The CBD zone development standards has no green area requirement. Even though there is no requirement for green area in the CBD zone, the proposed rezoning achieves meaningful green area of 44% by putting the garage under the building footprint.

The area included in the two courtyards that are above the garage is approximately 7% of the 44% green area percentage and by definition the courtyards are considered green area. These courtyards will be professionally designed as amenities for the residents. (Note that the County CBD zones only require 20% green area as shown in the table on page 2.)

Even excluding the 7% green area devoted to courtyards, there can be no question about the quality of the remaining 37% green area. This green area provides generous set backs from streets, a public use park with a remarkable sense of place and a distinct identity, a public use playground and suitable areas for the planting of trees (afforestation) and landscaping.

Q. Does the subject zoning application satisfy the afforestation goal?

A. No. The afforestation goal while relatively small cannot be satisfied on-site because of site constraints. However, the Applicant has done everything reasonably possible to meet the afforestation goal.

The approved NRI/FSD shows an area of 3,588 sq.ft. (.08 acres) on-site that is designated as existing forest. This is not considered a "high priority" forest as even when the area is included with adjacent forested areas off-site the existing forest is very small in size and the quality of the existing forest is considered fair to poor. The afforestation goal requires planting to create a forest that is two and one-half times the size of the existing forest on the site.

There is an existing 60" public stormwater management pipe in a 40' wide easement (that conveys stormwater from sites that are to the north and east of the site) at the south end of the site. This 40' wide easement encumbers a large portion of the green area at the south end of the site. While the area within this easement can be used for a playground it cannot be planted to meet the afforestation goal.

The plan removes 9 of the 13 specimen trees identified on the NRI/FSD but these trees are not considered "high priority" trees and several are in poor condition. The large "50" oak at the corner of Water Street and E. Diamond Avenue is a "high priority" tree and the plan integrates this tree into the design so that it is protected. The landscape plan shows that there are in excess of 30 new trees to be planted, including street trees. The

afforestation goal only recognizes and provides a 25% credit towards the afforestation goal for planting these trees even though the number of trees to be planted exceeds the number of specimen trees to be removed and the number of trees that would need to be planted to satisfy the afforestation goal.

This site is in an urban area that is recommended for CBD zoning and density and is surrounded on three sides by public streets. Although there is no green area requirement in the CBD zone, 44% (41,016 sq. ft.) of the site is by definition considered green area; 37% (34,490 sq. ft.) of the site's green area is available for planting. The largest percentage of the green area in the subject zoning application is used for generous set backs from the three public streets because the Council has requested these generous setbacks be provided in previous multi-family community approvals. These green areas, although generous in size do not meet the afforestation goal criteria.

The Applicant has done everything reasonably possible to meet the afforestation goal under the circumstances but it is simply not practical or feasible to plant a forest of trees on the site to meet the afforestation goal.

Q. Does the subject zoning application satisfy the Master Plan themes?

A. Yes. The subject zoning application satisfies all of the Master Plan themes. Below is a synopsis of how each theme is satisfied.

4.1 Identity. The zoning application provides a remarkable sense of place with distinct identity characterized by timeless architecture and attractive public use spaces.

4.2 Redevelopment. The subject zoning application is an orderly and managed redevelopment of an aging apartment community in an area targeted in the City Master Plan for redevelopment.

4.3 Town Centers. The subject zoning application is for a site that is recommended by the Master Plan to be integrated into Olde Towne. The proposed residential community will contribute to the revitalization of Olde Towne to help achieve a vibrant and safe centralized community.

4.4 Environment. The subject zoning application provides meaningful green space, improves both public and private stormwater management facilities (where none currently exists) and provides afforestation through onsite plantings and contributions for plantings for offsite priority reforestation areas.

4.5 Transportation. The subject zoning application is for a site that is in a very urban area where residents can utilize existing roadways, sidewalks and public transportation opportunities that are nearby.

4.6 Community Facilities. The subject site is in a very urban area where community facilities are within an easy 5 to 10 minute walk. In addition the subject zoning application proposes to provide an onsite public use park and playground.

4.7 Housing. The subject zoning application is the redevelopment of an aged community on an urban infill site; improves the condition of the existing housing stock; offers a range of unit types for a range of income levels; the architecture preserves the character of Olde Towne; the density supports the redevelopment of Olde Towne; the amenities, services, unit types and affordability encourages residents to move to Olde Towne.

4.8 Economic Development. The subject zoning application proposes redevelopment of an underutilized site in a blighted area where infrastructure and capacity exists. The redevelopment will introduce more residents into Olde Towne to help revitalize Olde Towne and make it safe and vibrant. Significant real estate tax revenue to the City will result from the redevelopment with no increase in services.

4.9 Education. There is substantially more capacity for additional students in the schools in the school cluster in which the site is located than the number of students generated by the use and density.

Q. Does the subject zoning application satisfy the purpose clause of the CBD zone?

A. Yes. The subject zoning application satisfies the following eight provisions included in the purpose clause of the CBD Zone.

(a) The proposed development is in accordance with the Master Plan recommendation for use and for density appropriate for the central business district to revitalize Olde Towne and make it vibrant and safe.

(b) The multifamily community provides a mix of unit types to meet the needs and requirements of a variety of age groups, lifestyles and income ranges.

(c) The architectural design results in an efficient use of the site resulting in meaningful green area, public use parks, an integrated podium style parking garage (that maximizes on-site green area), and an architectural style that is timeless.

(d) The density and use promotes the use of public transportation by putting appropriate residential density in a very urban area where there are two Ride On Bus Stops (with three bus routes that stop at the Shady Grove Metro Station) and the MARC rail station within a 5 – 10 minute walk of the site. The Traffic Impact Study (TIS) for the subject zoning application shows that all intersections will continue to operate below the City's Congestion Standard of 1450 Critical Lane Volumes and has been approved.

(e) The number of parking spaces in the podium garage is adequate for the units proposed and converts much of the existing surface parking lots on the site into green area. The public use park, playground, sidewalks, architecture and landscaping promote pedestrian activity on and around the site.

(f) The wide range of style, type and size of the units including a large number of studio units provides housing that is more affordable for people within a wide range of incomes.

(g) The subject rezoning application includes a park accessible to the general public at the corner of Water Street and W. Diamond Avenue and a public use playground at the south end of the site. Inside the multifamily building amenities and services for the residents like a fitness center are planned.

(h) The subject zoning application is an assemblage of three small parcels and redevelops two blighted aged apartment communities in a very highly visible and traveled area. The zoning application creates a community that provides a sense of place and pride that will encourage further redevelopment, renovation and revitalization of this area.

Q. Does the subject zoning application satisfy the Strategic Plan Directions?

A. Yes. The zoning application satisfies all of the Directions. Below is a synopsis of how each Direction is satisfied.

Direction #1. The plan for the redevelopment of this site considers and responds to the City's environmental, transportation, economic, social and civic needs. The plan utilizes Smart Growth design and is developed in accordance with the themes in the Master Plan.

Direction #2. A Transportation Impact Study (TIS) for the subject zoning application has been approved by the City thereby insuring that traffic and transportation planning and management strategies are satisfied. The plan utilizes Smart Growth design which is an integral part of the transportation planning and management strategies.

Direction #3. The plan contributes to the development of a vibrant, pedestrian-friendly urban center in Olde Towne.

Direction #4. The plan requires no new or additional City services and will actually reduce the demands on City services from the existing aged apartments on the site including services provided by the police and neighborhood inspectors. The redevelopment provides additional revenue in the form of permit fees, rental license fees and real estate taxes to fund City services.

Direction #5. The plan improves the current housing stock and provides a mix of unit types at different affordability levels. Goal #2 specifically encourages the redevelopment of the functionally obsolete and aging apartments on Water Street.

Direction #6. The plan assists with the neighborhood Community Policing programs by eliminating a concentration of blighted older multifamily housing where footholds of crime may be more likely to become established. New on-site access security, security cameras and professional management all assist with the Community Policing programs.

Direction #7. The plan provides recreation opportunities in the form of a quality pocket park and playground for the use of the residents and public and a fitness center, business center and hotel like lobby for the use of the residents.

Direction #8. The plan implements a stormwater management (SWM) strategy for the site where currently none exist; it enhances a failing public SWM system that results in drainage problems and flooding at the southern end of the site which is cause by offsite development on land adjacent to and near the site. The plan achieves a 44% green area percentage when there is no requirement for green area in the CBD. A significant net increase in trees will be planted as part of the landscaping for the plan where there is virtually no existing forest today. The improvements constructed on the site will be LEED certified to support environmentally sensitive design, construction, operation, and maintenance.

Direction #9. The subject zoning application is a community sensitive development that supports the City's visions in all areas and helps to improve the City's quality of life; provides a larger tax base which gives the City the financial resources needed to achieve its vision, provide desired services and maintain a "pay as you go" philosophy.

The analysis included with this letter provides overwhelming evidence that the subject zoning application satisfies the recommendations of the Land Use Elements of the 2003 Master Plan, the Master Plan Themes, the Purpose Clause of the CBD Zone and the Strategic Plan Directions and therefore should be approved.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

cc: Greg Ossont
Lauren Pruss
Jackie Marsh
Rich Koch
Steve Tawes

EXHIBIT A.1

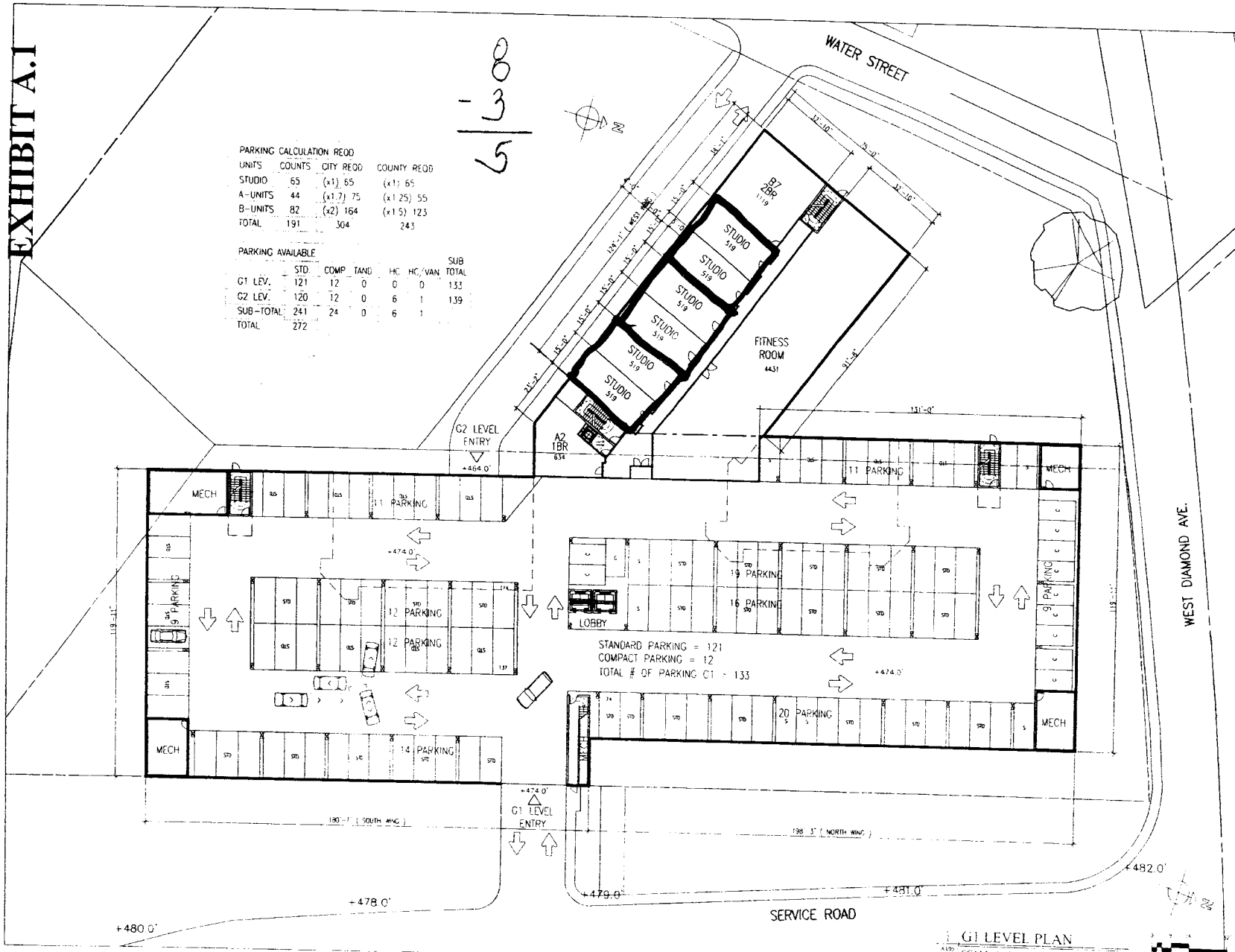
8
3
5

PARKING CALCULATION REQD

UNITS	COUNTS	CITY REQD	COUNTY REQD
STUDIO	65	(x1) 65	(x1) 65
A-UNITS	44	(x1.7) 75	(x1.25) 55
B-UNITS	82	(x2) 164	(x1.5) 123
TOTAL	191	304	243

PARKING AVAILABLE

	STD.	COMP.	TAND.	HC	HC/VAN	SUB TOTAL
G1 LEV.	121	12	0	0	0	133
G2 LEV.	120	12	0	6	1	139
SUB-TOTAL	241	24	0	6	1	
TOTAL	272					



1 G1 LEVEL PLAN
SCALE: 1/16" = 1'-0"

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400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3413
301-590-8900 ■ Fax 301-590-8820 ■ EMAIL: DVA@ARCH.COM

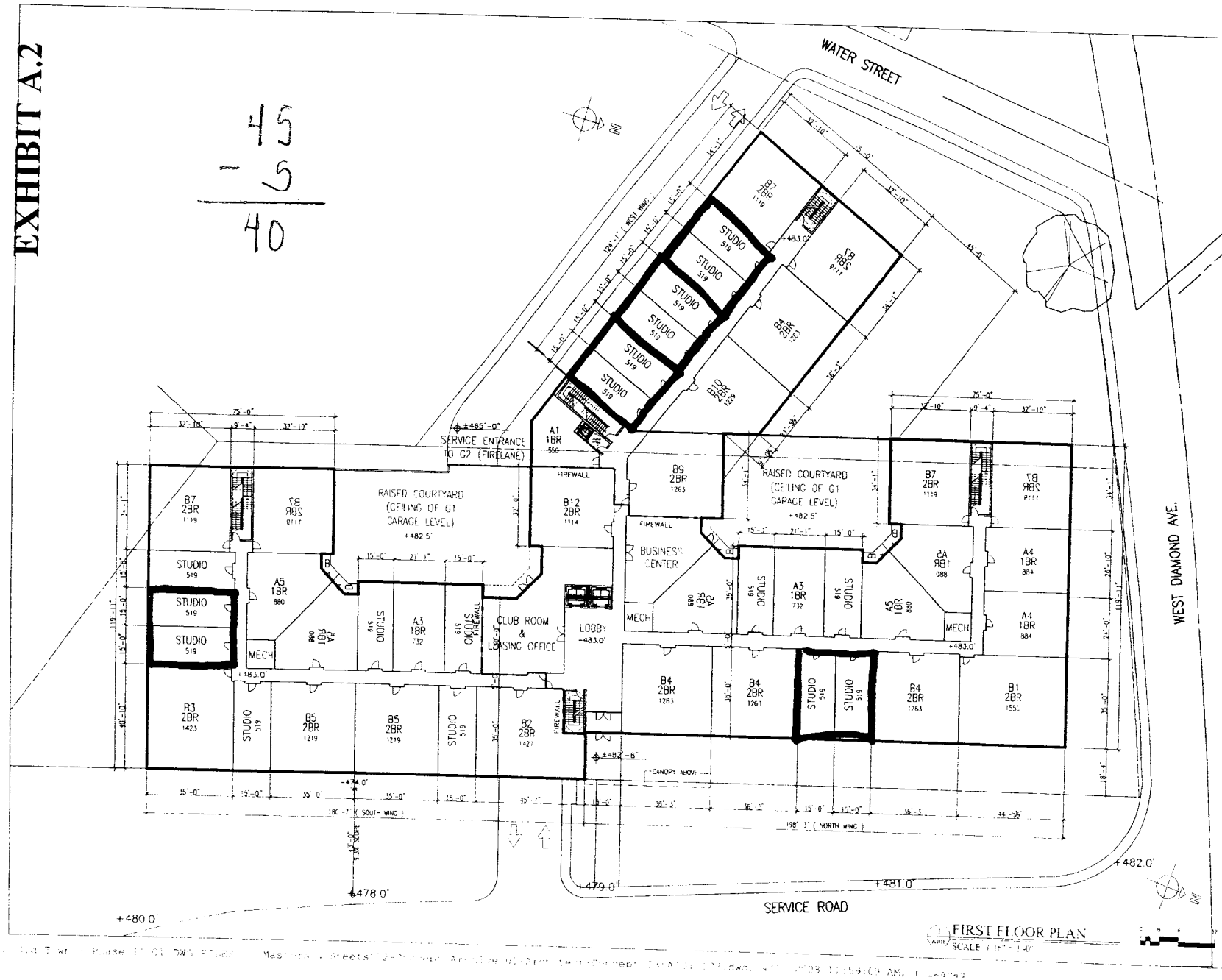
KEYSTONE
103 Teeters Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
SERVICE ROAD
GAITHERSBURG, MARYLAND 20877
G1 LEVEL PLAN

A101

EXHIBIT A.2

45
- 5
40



FIRST FLOOR PLAN
SCALE 1/16" = 1'-0"

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architecture ■ planning ■ interiors
900 Professional Drive ■ Suite 200A Gaithersburg, Maryland 20879-1433
301-590-9500 ■ Fax: 301-590-8620 ■ EMAIL: DVA-ARCH.COM

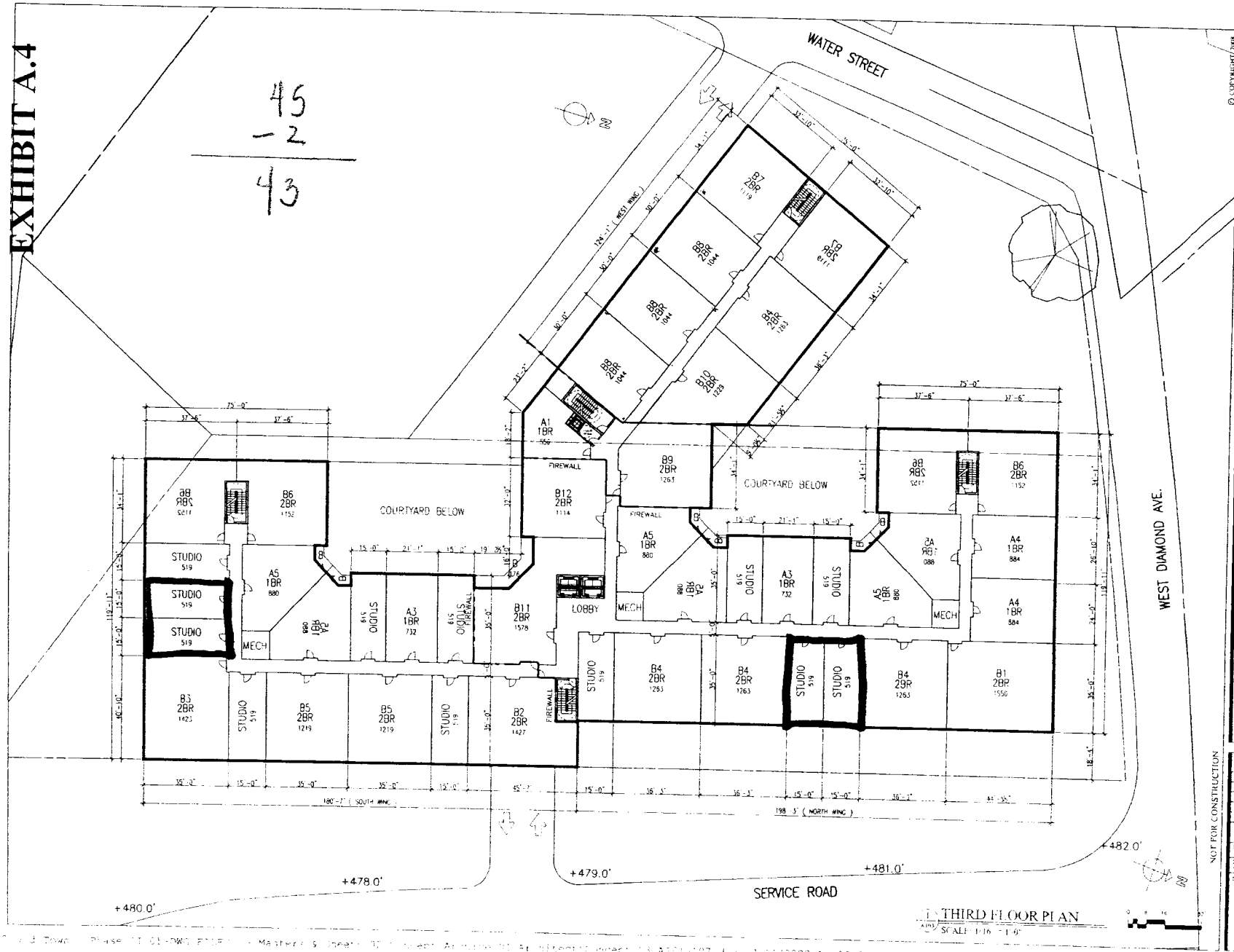
KEYSTONE
103 Leekes Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
SERVICE ROAD
GAITHERSBURG, MARYLAND 20877
GROUND FLOOR PLAN

A103

EXHIBIT A.4

45
-2
43



1 THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"

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architecture ■ planning ■ interiors
401 Professional Drive ■ Suite 206 ■ Gaithersburg, Maryland 20879-3411
301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA@ARCH.COM

KEYSTONE
103 Lookes Lot Way
Gaithersburg, MD 20878

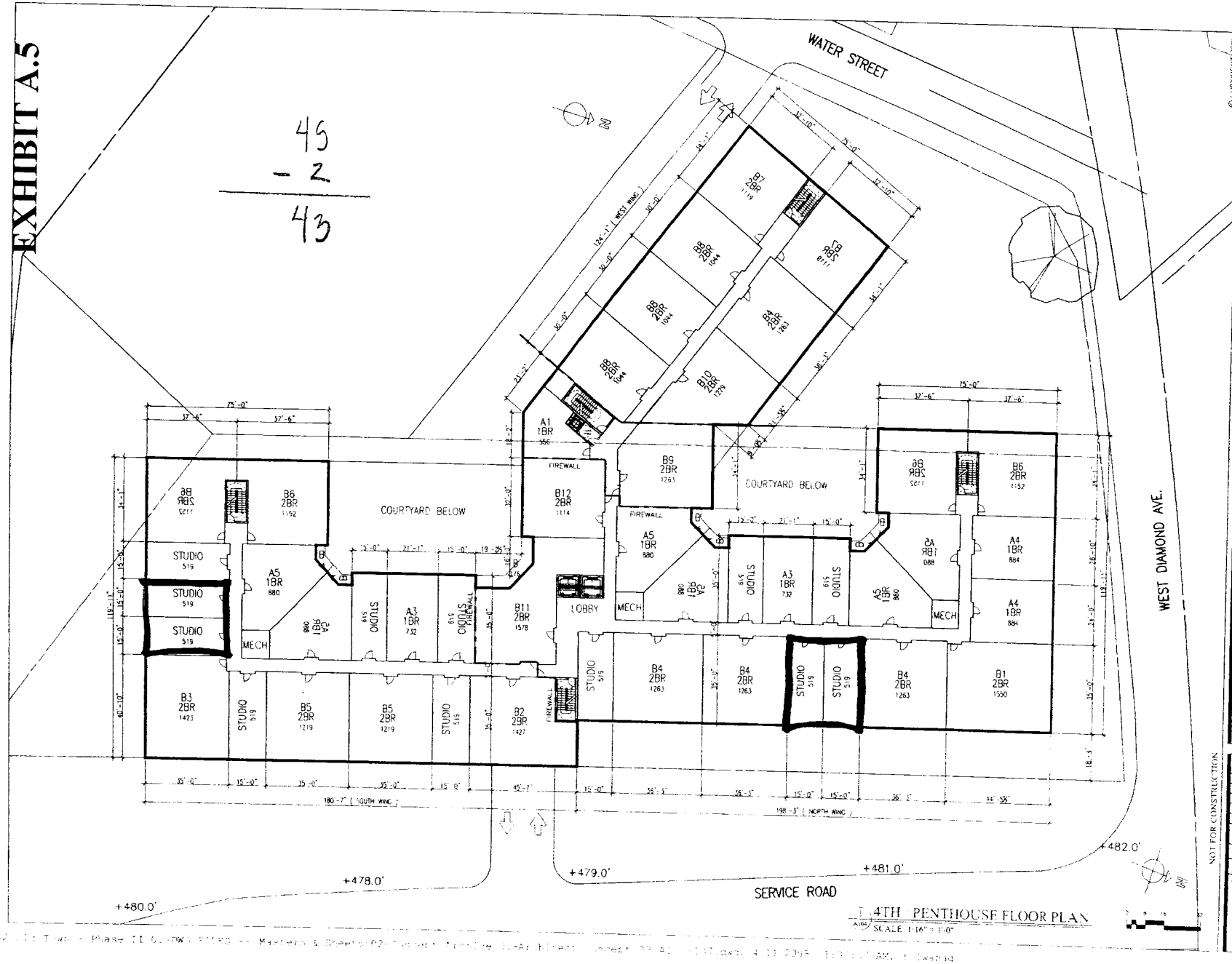
RESIDENCES AT OLDE TOWNE
SERVICE ROAD
GAITHERSBURG, MARYLAND 20877

THIRD FLOOR PLAN

A105

EXHIBIT A.5

45
- 2
43



4TH PENTHOUSE FLOOR PLAN
SCALE 1/16" = 1'-0"

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KEYSTONE
103 Leekes Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
SERVICE ROAD
GAITHERSBURG, MARYLAND 20877
FOURTH FLOOR PLAN

REVISIONS

60% CD
COMPLETE PLANS SUBMITTED
MARCH 2008

DRAWN
DATE/REV.
DESIGNED
DRAWING

A106

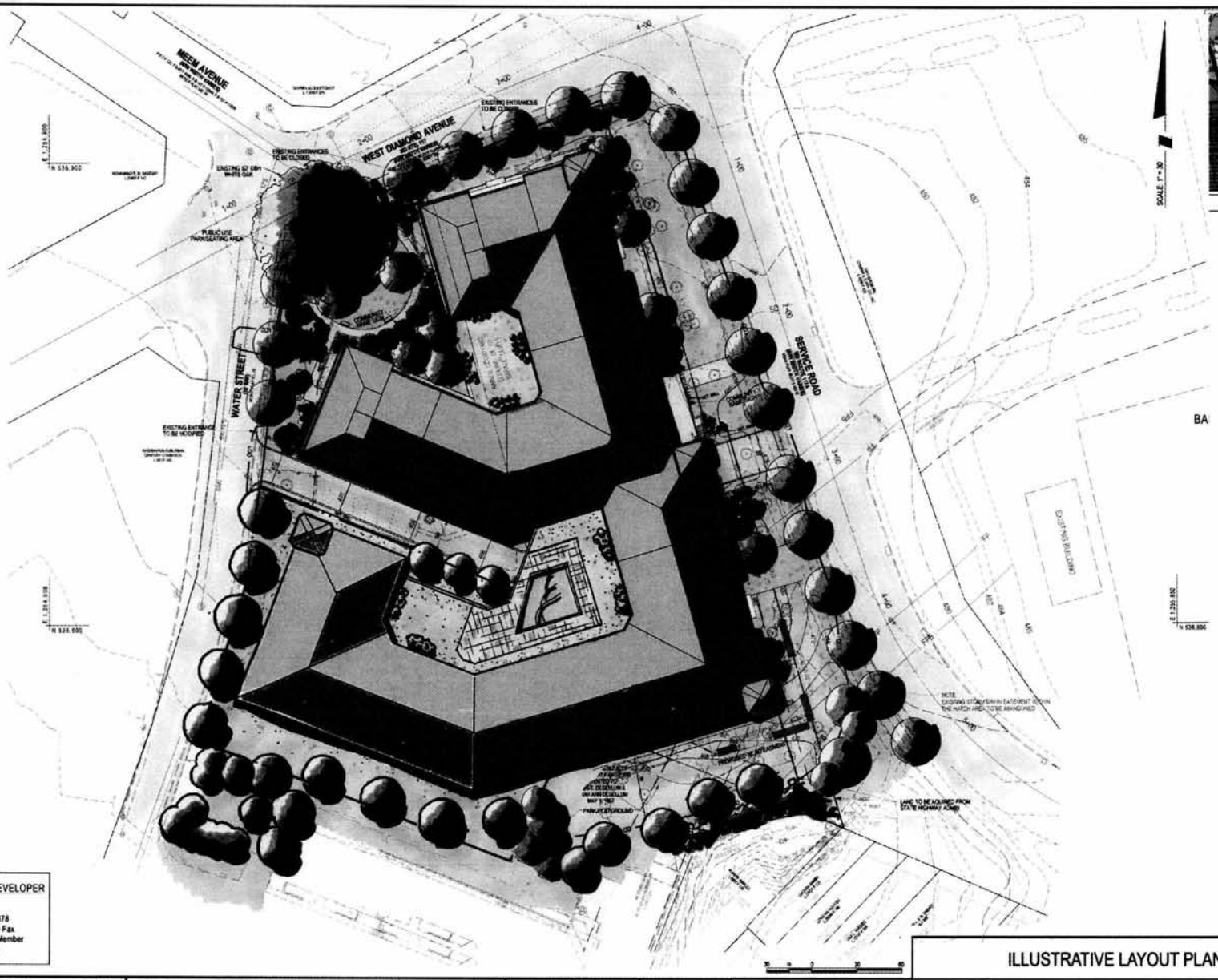
PROJ.

EXHIBIT B

Residences at Olde Towne - Unit Mix "Hypothetical Case" (this is a hypothetical example only)

Typical Unit Information					Typical Building Information													
					G1 level		1st FLOOR		2nd Floor		3rd Floor		4th Floor					
Project Number of Units	Unit Name	Number of Bedrooms	Number of Bathrooms	Net Unit Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Number of units per Floor	Unit Net Sq. Ft.	Unit Type Total	Total Unit Net Area	Percentage of total by unit types	Percentage of total by unit type
1	A1	1	1	556			1	556	1	556	1	556	1	556	4	2,224	2.30%	25.29%
2	A2	1	1	634	1	634									1	634	0.57%	
3	A3	1	1	732			2	1,464	2	1,464	2	1,464	2	1,464	8	5,856	4.60%	
4	A4	1	1	884			2	1,768	2	1,768	2	1,768	2	1,768	8	7,072	4.60%	
5	A5	1	1	880			5	4,400	6	5,280	6	5,280	6	5,280	23	20,240	13.22%	
new	new	2	2	1,038	3	3,114	5	5,190	5	5,190	2	2,076	2	2,076	17	14,532	9.77%	56.90%
6	B1	2	2	1,550			1	1,550	1	1,550	1	1,550	1	1,550	4	6,200	2.30%	
7	B2	2	2	1,427			1	1,427	1	1,427	1	1,427	1	1,427	4	5,708	2.30%	
8	B3	2	2	1,423			1	1,423	1	1,423	1	1,423	1	1,423	4	5,692	2.30%	
9	B4	2	2	1,263			4	5,052	4	5,052	4	5,052	4	5,052	16	20,208	9.20%	
10	B5	2	2	1,219			2	2,438	2	2,438	2	2,438	2	2,438	8	9,752	4.60%	
11	B6	2	2	1,152					3	3,456	3	3,456	3	3,456	9	10,368	5.17%	
12	B7	2	2	1,119	1	1,119	6	6,714	3	3,357	3	3,357	3	3,357	16	17,904	9.20%	
13	B8	2	2	1,044							3	3,132	3	3,132	6	6,264	3.45%	
14	B9	2	2	1,263			1	1,263	1	1,263	1	1,263	1	1,263	4	5,052	2.30%	
15	B10	2	2	1,229			1	1,229	1	1,229	1	1,229	1	1,229	4	4,916	2.30%	
16	B11	2	2	1,578					1	1,578	1	1,578	1	1,578	3	4,734	1.72%	
17	B12	2	2	1,114			1	1,114	1	1,114	1	1,114	1	1,114	4	4,456	2.30%	
18	S-1	1	1	519			7	3,633	8	4,152	8	4,152	8	4,152	31	16,089	17.82%	17.82%
Totals					**5**	4,867	**40**	39,221	**43**	42,297	**43**	42,315	**43**	42,315	**174**	171,015	100.00%	100.00%

EXHIBIT C



CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekas Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

ILLUSTRATIVE LAYOUT PLAN

RESIDENCES AT OLDE TOWNE WITH SHAH PROPERTY- OPT A

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Loiederman Soltesz Associates, Inc.
ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067
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Planning
Surveying
Environmental Sciences
Rockville
Lanham
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www.LSAssociates.net

The information provided hereon, which is subject to change, is for conceptual purposes only and is based on current regulations and analog information available. Detailed planning and engineering must be completed and all jurisdictional approvals must be obtained prior to finalization of this plan.

Date: April 2008

19	EB
FT 341	PR, CBO
223 NW 10	

MISS UTILITY NOTE

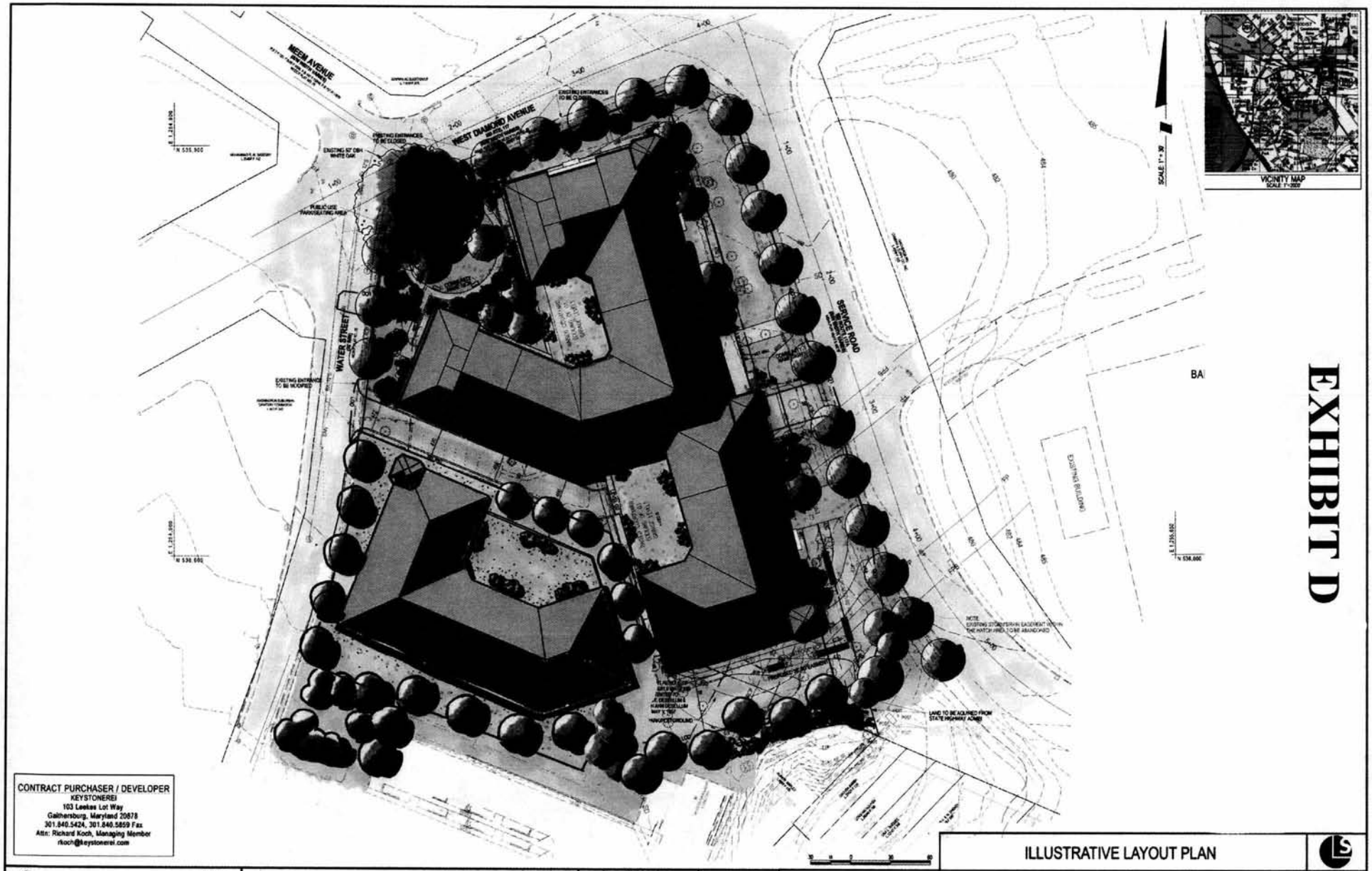
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REDESIGNS TO THE PLAN.

1"= 30'

SHEET 1 OF 1

PROJECT # 2990-02-00

EXHIBIT D



CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

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Date: April 2008
Revised:
CAD Standards Version:
Computer:
Drawing:

Drawing 300 - Site Plan Prepared Job Number 2-7-7-8
Year: 19 Drawn: ED
Ver File: FT 341
Drawing Category: PR. CBO
Plot Date: 222 MW 10
Plot Status:
Horizontal:
Vertical:

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ILLUSTRATIVE LAYOUT PLAN

RESIDENCES AT OLDE TOWNE WITH SHAH PROPERTY- OPT B

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Scale: 1"= 30'
Sheet 1 of 1
PROJECT # 2000-02-06

Distribution M&C 5/19/08

MEMORANDUM TO: Mayor and City Council

VIA: James D. Arnoult, Acting City Manager

FROM: Greg Ossont, Director
Planning and Code Administration

DATE: May 13, 2008

SUBJECT: Density Requirements and Calculations

During the regular Mayor and City Council meeting on May 5, 2008, staff was asked to research how density is defined in other Central Business Districts in the region.

By way of background, many of the existing apartment complexes in the City are zoned R-20, Medium-Density Residential. R-20 permits a density up to 21.5 units per acre. The City's R-90 zone is also designated as Medium-Density Residential but permits only 3 units per acre. Both of these density requirements were established in 1965.

The Central Business District is one of three zones that does not have a density requirement. Section 24-160F.1 of the city code entitled *Purpose of Zone*, states:

> *(a) "To encourage development in accordance with the adopted master plan by permitting an increase in density and intensity of use, flexibility in use, and layout where development is in substantial conformity with the Olde Towne Master Plan and the site plan is approved by the city planning commission."*

Given the purpose and intent of the zone, and the suburban nature of the Euclidian zones definitions, it does not seem reasonable to use a medium density definition from the R-20 zone and apply it to the Central Business District.

The City's Central Business District limits buildings to 9 stories. This flexibility poses difficulty in reviewing development applications because "density" is not clearly defined.

For example, a 100 unit/acre, 9-story building is considerably different than a 100 unit/acre, 4-story building, but both equate if a Euclidian definition of density is applied. Conversely, the size and footprint of structures that house 50 units or 100 units could be identical, but the unit count per acre difference would be dramatic.

Staff has researched other jurisdictions' approach to applying a density requirement to their respective Central Business Districts. Some jurisdictions apply height limits and basic unit per acre requirements while others use floor to area ratios. Floor area ratio (FAR) is the total building square footage (building area) divided by the site size square footage (site area). For example, the Archstone at Diamond project is approximately FAR 2 and the Broadstone project is FAR 1.5. It is important no point out that there is no relationship between units per acre and FAR.

The manner in which jurisdictions limit density varies. Staff is not suggesting that one of these specific FAR's or unit/dwelling limit be applied the Gaithersburg's Central Business District. However, one of the methodologies could be used and applied to the City's CBD as well as the

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JOINT EXHIBIT
#65
Z-308(0)
4-21-08

CD, Corridor District Zone in an effort to provide a definitive definition of the maximum density that could be achieved in that zone.

The following is a summary of our findings:

Annapolis, Maryland, MX Zone (West Street/Church Circle area)

Density Requirement: 1.75 Floor to Area Ratio (FAR)
2.25 FAR for Mixed Use structures

Frederick, Maryland, DB Zone (Downtown commercial Residential)

Density Requirement: 75 units/acre, not to exceed 4 FAR

Alexandria, Virginia, CD-X Zone (Downtown Zone)

Density Requirement: 1.25 FAR not to exceed 35 units/acre
2.0 FAR not to exceed 100 units/acre for properties bounded by First, Third, North Royal and North Fairfax Streets

Cumberland, Maryland, B-CBD (Central Business District)

Density Requirement: 1,200 sq ft minimum lot area per dwelling unit (4-8 stories)
900 sq ft minimum lot area per dwelling unit (> 8 stories)

Montgomery County, Maryland, CBD (Central Business District) includes Silver Spring, Wheaton, Bethesda

Density Requirement:	CBD-0.5	100/acre
	CBD-R1	125/acre
	CBD-1	125/acre
	CBD-2	200/acre
	CBD-3	200/acre
	CBD-R2	200/acre

CBD-0.5 is intended to provide for a decrease in the density of development at the perimeter of the Central Business District.

CBD-R1 is intended for use in Central Business District where predominantly residential development is appropriate and compatible with adjacent existing and planned uses.

CBD-R2 is intended for use in areas of a central business district designated to accommodate high density residential development.

CBD-1 is intended for use in areas where higher densities are not appropriate.

CBD-2 is intended for land lying generally between the core area and the areas of the lowest density within the central business district.

CBD-3 is intended for the core areas of central business districts.

Rockville, Maryland, TC-1, 2, 3, 4 (Town Center), 4 zones of varying intensity

Density Requirement: Commercial FAR range from 1-6 FAR
No FAR or unit/acre requirement for residential

The purpose of this memorandum is to illustrate the varying techniques and methodologies used by different jurisdictions around the region. As noted, staff is not recommending one particular approach or a particular density requirement for the City's Central Business District. While the methodologies might be used to implement a requirement, the actual FAR and/or unit per acre counts would need to be specifically designed for the City's CBD and should be consistent with the adopted Master Plan.

I hope this information is helpful. If you have any questions or comments, please contact me directly at 301-258-6330 or gossont@gaithersburgmd.gov

Distribution M&C: 5/19/08

From: Sidney Katz
To: Burke, Patrick J.
Date: 05/16/2008 2:08:29 PM
Subject: Re: Redevelopment of Property Located at 1 Water Street & 49 West Diamond Avenue

Dear Patrick,
Thank you for your email. I am sending a copy of it to the Acting City Manager and will ask him to include it in the Record for the property located at 1
Water Street & 49 West Diamond Avenue and to include a copy of it in the next Mayor and Council's reading package.
Hope all is well with you and your family!
Sidney

>>> "Patrick J. Burke" <patrickb@amarexcro.com> 5/16/2008 1:22 PM >>>
Dear Sidney,
I hope all is well with you and the City that is in your care.

On behalf of myself, and as an OTAC member, I want to include my voice of support for the redevelopment plan for the property located at 1 Water Street & 49 West Diamond Avenue, as recently presented to the OTAC. I particularly like to concept of a significant number of 'efficiency' type apartments that I believe will help fill an underserved segment of our City's population, i.e., singles that would otherwise be forced into shared housing situations.

At the same time I want to encourage the City to maintain the most generous financial assitance and relocation programs as possible for the residents who will be displaced by the redevelopment.

Grace to you,
Patrick

Patrick J. Burke
204 Dogwood Dr.
Gaithersburg MD 20877
301-963-8527
(o) 301-528-7000

Amarex Clinical Research
20201 Century Blvd., 4th Floor
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#66
Z-308(6)
4-21-08

15 Desellum Ave.
Gaithersburg MD 20877

May 19, 2008

Mayor and City Council
City Hall
31 S. Summit Ave.
Gaithersburg MD 20877

Dear Mayor and Council:

At the May 1st meeting of the Olde Towne Advisory Committee, considerable time was dedicated to a careful review of Keystone Real Estate Investments's request that the City rezone 1 Water Street and 49 West Diamond Avenue (Diamond House and Diamond Acres) from R-20 to CBD (Central Business District). During the course of the discussion, we addressed the question of what constitutes an appropriate CBD density. Keystone observed that Montgomery County CBD zones range from a low of 100 dwelling units per acre to a high of 200. They propose 90 dwelling units per acre at this location (191 apartments on 2.14 acres). The existing apartment buildings contain 52 dwelling units.

Central to our discussion was a detailed review of the uses Keystone proposes to make of this land, land which in great measure currently sits unoccupied. The current 52 units are densely located on a small portion of the 2.14 acres. The renderings we saw of the proposed "Residences at Olde Towne" spread the new development out along three street frontages and raise the height to four stories.

By unanimous consent, the Olde Towne Advisory Committee urges you to support this rezoning request. The proposed density, in our view, is not excessive when the entire site is taken into consideration. Moreover, we view such proposals on their individual merits, and find that this proposed reuse of this property would enhance the very density of vibrant human activity that we seek to achieve in Olde Towne.

This project's proposed amenities, including underground parking garages, a staffed lobby, and careful attention to architectural style and detailing, are a function of the number and diversity of the proposed living units. Affordability studio apartments are planned in order to attract young professionals and others anxious to live near the transportation, shopping, and entertainment advantages Olde Towne will one day offer in greater quantity. One-bedroom and two-bedroom units would be smaller and more affordable than comparable units approved for construction elsewhere in the downtown. Architectural controls, requiring residents to enter by a large central lobby, not from the garages, would regulate the movement of people and improve the living experience.

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#67
Z-308(b)
4-21-08

An enhanced Meem-Water-West Diamond portal to Olde Towne is vital to the vision of a renewed Olde Towne, helping to set the tone for the truly urban density that will lie ahead beyond the bridge. Increased housing density at the right locations, properly designed, can hold distinct advantages, especially on Olde Towne's periphery, offering a rare range of affordable, quality living units. Multiple garage entries; bus, rail, and pedestrian access; and a striking façade sympathetic to the spirit of Olde Towne promise to do wonders for the transformation we are embarked upon for the heart of Gaithersburg. "Revitalization" is not a slogan, it is a process with parts of many different shapes, sizes, and densities, all contributing to the renewed health of the district at the center of our community.

Thank you and with regards,

Yours sincerely,

David H. Shayt
Chair, OTAC
shaytd@starpower.net

From: Greg Ossont
To: Jacqueline Marsh
Date: 05/20/2008 9:02:44 AM
Subject: Fwd: Re: FW: Rezoning Request

>>> Jim Arnoult 05/20/2008 8:46 AM >>>
Doris,
package please.
Thanks,
Jim

>>> Sidney Katz 05/20/2008 6:13:23 AM >>>
Garrie,
Thank you for your email.

I am sending a copy of it to the Acting City Manager and will ask him to include it in the record for the rezoning request for 1 Water Street and 49 West Diamond Avenue (Diamond House and Diamond Acres) and to include a copy of it in the next Mayor and Council's reading package.

Hope all is well with you!
Sidney

>>> Dan and Garrie Black <dan_garrie@msn.com> 05/19/08 11:05 PM >>>
Sidney, for the record, I am in agreement with rezoning request as presented by David Shayt at the City Council meeting. Garrie Black, OTAC member

> Subject: RE: Rezoning Request> Date: Mon, 19 May 2008 14:38:39 -0400> From: shaytd@si.edu> To: patrickb@amarexcro.com; Ruadhe@aol.com; krowse1@comcast.net; lindamhanson@comcast.net; HansonL@csps.com; nsinclair@fallschurchva.gov; cblessing@inter-continentalgroup.com; stephen.cain@montgomerycollege.edu; dan_garrie@msn.com; youngg4@nationwide.com; nsinclair1@rcn.com; hmarraffa@starpower.net; luhnl@starpower.net> CC: CHines@gaithersburgmd.gov> > Dear Committee,> Here is the letter I'll be presenting tonight at the City Council> meeting. Thanks for all the other letters that have come in on this> topic. > David>

Give to a good cause with every e-mail. Join the iâ m Initiative from Microsoft.
http://im.live.com/Messenger/IM/Join/Default.aspx?souce=EML_WL_ GoodCause

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JOINT EXHIBIT
#168
Z-308(a)
4-21-08

VII. PUBLIC HEARINGS

1. **JOINT - Z-308(o), Requesting a Map Amendment to Rezone 2.1416 Acres of Land From R-20 (Medium Density Residential) to CBD (Central Business District) in Accordance With §24-196 (Map Amendments) and §24-198 (Optional Method) of the City Code. The Property is Located at 1 Water Street and 49 West Diamond Avenue, and is Commonly Known as Diamond House and Diamond Acres (Parcels 184 & 185)**

Planner Marsh stated the joint public hearing was advertised in the *Gaithersburg Gazette* on April 2 and 9, 2008, and the property posted. At the present time there are 46 exhibits in the record file. She stated that the application requests a rezoning from R-20 (Medium Density Residential) to CBD (Central Business District) and oriented the Council and Commission with the site.

Jody Kline, Miller, Miller, and Canby, representing the applicant, Keystone Real Estate Investments, introduced the project, showed aerials and photographs of the area. He stated that the property has been zoned R-20, multi-family classification for a long time. He noted that the City's 2003 Master Plan showed the vision to expand the CBD boundaries. He further noted that the City's Strategic Direction identified the Water Street area as appropriate for redevelopment. He added that the property is transit and pedestrian assessable to Olde Towne. The site is served by mass transit including three bus routes as well as a five-minute walk to the MARC rail station. He stated that the property is the western portal to the CBD and would help to revitalize the Olde Towne.

Stephen Tawes, Loiederman Soltesz Associates, Inc., Landscape Architect, gave a brief description of the site and showed a rendering of the proposed multi-family redevelopment that would replace the two existing residential buildings with a single building consisting of 191 dwelling units. He reviewed the surrounding roadways, entry ways, parking garage, public use access area and 44 percent of green area.

Patrick Casey, Architect, stated there had been multiple meetings with City staff. He showed renderings and reviewed the detail and design elements of the proposed redevelopment. He further reviewed the elevations, two parking areas, walkways and increased green area stating that the pedestrian friendly plan would be a natural extension of the CBD with an Olde Towne look.

In response to questions, Planning and Code Administration Director Ossont stated that the Master Plan envisioned consolidating the Lilac Garden Condominiums as well as two other apartment buildings. Staff is seeking to do a comprehensive rezoning with the other two properties and will continue discussions with property owners. The units per acre were questioned for low, medium and high density in the R-20 zone and the rezoning and density for the proposed plan. Concerns were raised in regards to the green area, elevations and grades. Applicant Rich Cook explained the grades, garage access and levels and access to the playground area. In answer to reforestation questions, Mr. Cook responded that in the City's forest conservation law; there are provisions for waivers and off-site planting. The applicant would be seeking credit for the landscaping done. In response to the density questions, he stated that studies were conducted in other areas to evaluate what a reasonable density would be for said location. Concerns were expressed with the rezoning change and exemption from the affordable housing ordinance, impact of the proposed density, consolidation of the other existing properties and violation of the City's Master Plan, traffic movement, reforestation and tree selection upgrades.

The applicant was commended for the proposed underground parking, revitalization of aging apartments, and creating an opportunity to bring revenue to the City.

PENGAD 800-631-6989
JOINT EXHIBIT
#69
Z-308(o)
4-21-08

Speakers from the public:

1. *(inaudible) Shaw*, owner of the parcel to the left of the proposed project, expressed concern with the existing generation of Gaithersburg, affordable housing, increased traffic on West Diamond Avenue, and timeline for the project.

2. *Jeffrey (inaudible), President of the Lilac Gardens Condo Association*, mentioned serious stormwater management and security issues. Expressed support for the project.

3. *Julia Walters, Diamond Acre Apartments*, 30 year resident expressed concern with the affordability of the proposed dwelling units to the existing tenants. Asked for a timeline to prepare for relocating. Applicant Cook responded that if the project is approved, residents would not be asked to leave before the summer of 2009.

There were no other speakers.

Motion was made by Commissioner Hopkins, seconded by Commissioner Kaufman, that the Planning Commission hold the record on Z-308(o), open until 5 p.m., Wednesday, May 21, 2008.

Vote: 5-0

Motion was made by Council Member Ashman, seconded by Council Member Marraffa, that the Mayor and City Council hold the record on Z-308(o), open until 5 p.m., Friday, June 6, 2008.

Vote: 4-1 (Opposed: Sesma)

2. **JOINT - SDP-08-001, Application Requests Approval for the Schematic Development Plan (SDP), SDP-08-001, for Lot 3, Quince Orchard Crescent. The Proposed Plan Establishes the Use of Office, Medical Office and a Religious Facility Within the Two Existing One-Story Buildings Each Containing 25,000 Square Feet. The Subject Property is Located at 902/904 Wind River Lane and is in the Mixed Use Development (MXD) Zone**

Planner Voigt stated the joint public hearing was advertised in the *Gaithersburg Gazette* on April 2 and 9, 2008, and the property posted. There are currently 14 exhibits in the record file. The parcel contains two one-story office buildings at 902 and 904 Wind River Lane. The Council and Commission were oriented to the site and surrounding buildings. Planner Voigt stated that applicant Soka Gakkai International-USA with approval from the property had requested a change of use from the existing office space to a 2,550 square feet religious facility use. In 1993, the property was rezoned MXD from I-3 as part of a larger 212 acre site. She stated that because the office development previously existed prior to the rezoning, a SDP was never developed for the property. In order to change the use from office to a religious facility, a SDP must be established and approved. She further stated that religious facilities are permitted in the MXD Zone.

Shah Property Group I
416 North Frederick Avenue
Gaithersburg, MD 20877
Ph: 301-926-6109

RECEIVED
MAY 21 2008
PLANNING & CODE ADMINISTRATION

May 20, 2008

Mr. Alan Meyer
City of Gaithersburg
Planning and Code Administration
31 S. Summit Avenue
Gaithersburg, MD 20877

RE: Concerns with the Development of the Residences at Olde Towne

Dear Mr. Meyer:

We have the following concerns with the development of the Residences of Olde Towne:

- Traffic – The proposed development will add significant traffic congestion to the area. I ask that you try to make a left off of Water Street or Meem Street during busy hours. I cannot imagine how difficult this will be with the proposed development, not to mention that the roads should be potentially widened.

- Density – Is there enough consideration being given to the appropriate number of units allowed? We believe that the project as planned is simply too many units on too little land.

- Noise – The proposed driveway that goes underground will directly impact the tenants of our buildings. We ask that the developer build a wall to shed headlights from cars and associated noises being directed towards the bedrooms of our units.

Our counsel has asked that we address the issue of the negative financial implications during this construction period. We hope that you and your team take these factors into consideration during the approval process of the proposed development.

We are very apprehensive about this project as is planned and we ask that you take a long hard look at whether this is in the best interest of the City of Gaithersburg.

Should you have any questions, please contact me at my office at 301-926-6109.

Sincerely,

S.K. Shah

cc: City Council

PENGAD 800-631-6989
JOINT EXHIBIT
#70
Z-308(b)
4-21-08

From: Greg Ossont
To: Jacqueline Marsh
Date: 05/21/2008 2:45:27 PM
Subject: Fwd: Residences at Olde Towne - Z-308(o)

for the record. include in packages

>>> "Richard Koch" <rkoch@keystonerei.com> 05/21/2008 8:11:51 AM >>>
Greg:

I will volunteer to (i) make 15% of the units WFHUs and (ii) distribute the units proportionately throughout the mix of unit types even though there is no affordable housing requirement in the AHO for the CBD. I will not volunteer to arbitrarily reduce the density and the number of "affordable by design" units. There are no logical planning reasons to reduce the density.

Rich

Richard Koch
Managing Member
KEYSTONEREI
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PENGAD 800-631-6989
JOINT EXHIBIT
#71
Z-308(O)
30.12.4

TRANSCRIPT OF

JOINT PUBLIC HEARING

ON

Z-308(o)

Requesting a Map Amendment to Rezone 2.1416 Acres of Land From R-20 (Medium Density Residential) to CBD (Central Business District) in Accordance With §24-196 (Map Amendments) and §24-198 (Optional Method) of the City Code. The Property is Located at 1 Water Street and 49 West Diamond Avenue, and is Commonly Known as Diamond House and Diamond Acres (Parcels 184 & 185)

BEFORE THE

CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

and

PLANNING COMMISSION

on

April 21, 2008

Transcribed by
Doris R. Stokes

PENGAD 800-631-6989
JOINT EXHIBIT
#72
Z-308(o)
4.21.08

PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Marraffa
Council Member Ashman
Council Member Drzyzgula
Council Member Sesma
Council Member Spiegel

PLANNING COMMISSION

Chair Bauer
Commissioner Hopkins
Commissioner Kaufman

STAFF

Planning and Code Administration Director Ossont
Planner Marsh

SPEAKERS FROM THE PUBLIC

Jody Kline, Miller, Miller, and Canby
Stephen Tawes, Loiederman Soltesz Associates, Inc.
Patrick Casey, DVA
Richard Koch, Keystone REI
Shreedhar Shah, owner of the parcel to the left of the proposed project
Jeffrey Brown, President of the Lilac Gardens Condo Association
Julia Walters, Diamond Acres Apartment

Katz If I can ask the Planning Commission to please join us. As they are coming forward, the next item on our agenda is going to be two joint public hearings. The first one is going to be introduced by Jackie Marsh and that is Z-308(o). Jackie if you can please begin.

Marsh Thank you. Good evening. This is a joint public hearing on Z-308(o). This hearing has been duly advertised in the *Gaithersburg* Gazette on April 2 and 9, 2008 and the property has been posted. At the present time there are 46 exhibits in the record file. These exhibits are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the Planning Office during regular business hours at City Hall. Any objections to the receipt of any exhibit should be noted prior to the closing of the record; otherwise they will deemed received into evidence. Tonight, Z-308 is requesting a rezoning change from R-20 (Medium Density Residential) to CBD (Central Business District). I will now orient you to the site. The site is located on the corner of West Diamond Avenue and Water Street. The State Highway Administration (SHA) service ramp which leads to southbound 355 runs to the east. Beginning the presentation tonight is Jody Kline of Miller, Miller, and Canby.

Kline Good evening. My name is Jody Kline, Miller, Miller, and Canby, representing the applicant in this case. Let me start by asking you this question. Don't you kind of feel like you are riding on crest of a waive right now. I was coming up 355 tonight and I looked over at the Fairfield project, the Broadstone Apartments. And though it is rather starling the way it looks right now because we don't know where it is going to go, it's a dramatic foretelling of something that is going to be a really important redevelopment project for the City. A month ago I was in this chamber and the Planning Commission approved the stunning Archstone Olde Towne project with a model, you could have moved into it. It really shows

that your efforts are coming to fruition in trying to upgrade the housing stock in the City of Gaithersburg. The project we are going to present to you this evening, would like to be the point man for that next generation of development that is occurring in the City. Some of which you are in control of and others in the private development should be encouraged with what they see from the City. I would like to just introduce the project and we will go into a lot of more detail. This is nothing more than an aerial photograph of the area. The subject property itself, 2.14 acres of land is outlined in yellow on the photograph. You will recognize it probably more because of the land use feature around. The Barons Lumber Yard that is across the street. The property today is zoned in the City's R-20, multi-family classification. It has been that way for a long time. The photographs are aerial photographs. As you can see, there are two rectangular apartments sitting perpendicular to West Diamond Avenue in somewhat a sterile setting. We are here before you today requesting to rezone to your Central Business District Zone. I guess I'll just use a rhetorical question, why should we rezone. Well, when you did your 2003 Master Plan, you had the foresight to see that it was appropriate to expand the CBD boundaries. You can see where those letters CBD are in the middle of that photograph, that is the Barons Lumber Yard. The City could see the advantages of a logic extension of the CBD boundaries, to pick up where the R-20 is located immediately to the left of that. What is outlined in red is the subject property and your Master Plan today does recommend the property for rezoning to the CBD classification. More importantly though, your strategic directives saw that the character of this neighborhood, needed some kind of assistant. It identified with the Water Street area as appropriate for redevelopment using the vehicle of the CBD zone. Again an aerial photograph that is really intended to show two things. One, the proximity of the property to the pedestrian accessible features and amenities of Olde Towne, City Hall itself. More particularly the MARC station. The opportunities for shopping and recreation that

occurs in Olde Towne itself. And then it is probably a little hard to see on that photograph, but also the fact that the property lies on routes that provide transit assistance so that you can get the Shady Grove Metro Station, the Rockville Metro Station or you can go in the other direction and go the RIO. And those buses go by those locations and pass this property. So we are in a location, hopefully on the edge of the CBD with transit accessible to both the outline location, pedestrian accessible to Olde Towne itself. I'm going to come back at the end to kind of wrap things all together. What we are trying to give you right now is just an overview of why the logic of the Master is being born out by what you have accomplished in the City so far and what this project can do itself to centralize, upgrade and dissimilate redevelopment in this area of the City. I hesitate using the word gateway because the term gets used a lot. I am going to call it the western portal to the CBD. As you look at the presentation that we are going to make to you today, I am going to suggest that the biggest impact that this project.....maybe I should tell you what some of the secondary benefits are. We have been able to secure title to a piece of property. The title of which is so convoluted that your City staff calls it the Bermuda Triangle. Nobody knows who owns it, but through a lot of effort and working with a seminary no less in New Jersey, we have been able to tie up that piece of property to make all the land records make sense and basically clean up something that has been a problem for the City for a long time. And in terms of cleaning up the problem is a good segway. There is no stormwater management control on this property or the surrounding properties today. We will not only provide stormwater management control, but solve a problem that exist today because of outdated storm drain system which has been essentially overwhelmed by the natural flow of water. You get positive benefits from this project in a lot of ways and I call them secondary to the one that I think is primary. If you can take look at the other photograph, leading off to the left you see Diamond Avenue coming in and it is relatively straight

until you get down throughout the WSSC facility and then you get the curve. The alignment of West Diamond Avenue focuses right on that project today as it exist. It isn't undistinguished today. Take a look at particularly the (inaudible) description. Our goal is the make an entry statement on the western portal of the City of this CBD, something that would make you realize that I have reached something important by getting to the CBD and beginning a process of a renovation and reinvigoration of this entire western area in the CBD. If you have any questions, I would glad to answer them; otherwise we will begin our presentation, Mr. Tawes.

Tawes Good evening. I'm *Stephen Tawes, Loiederman Soltesz Associates, Inc., Landscape Architect* for the firm. Mark (inaudible) was responsible for the civil engineering, planning and the landscape architecture. I will give you a brief description of the site and lead that into a description by Patrick Casey the architect of DVA to talk to you about the architectural renovations. This is a rendering, an example of the proposed development for the multi-family consisting of 191 dwelling units. As Jody mentioned, the site is located off of Water Street, West Diamond Avenue and State Highway Administration service road, 117A. Currently, the site has two existing entry location. Two on Water Street and one on West Diamond. The one on West Diamond will eventually be eliminated and the location for the entrance to the upper level garage, one level will be off of the service road and then the lower level to the G2 parking garage level will be up Water Street. So the two garage levels are not connected. As Jody mentioned, as the western portal of the CBD, there is a huge magnificent 50' DBH White Oak Tree that is going to be monumentalize as part of the entrance or gateway into the CBD. That tree will also represent a public use access area that will be dedicated and use for the public as a small passive area, park, benches and pathways around it. The site a the southern part of the site will have another public access area that will be

used as a multi–age playground. Also to benefit the community around it not just the proposed development but the actual community around the site. The site will consist of two parcels; two of those was the Wells property. The Wells property has the Diamond House, the Diamond Acres Apartments, multi-family apartments. There is existing surface parking around it. As Jody described, the Bermuda triangle as it has been known, has been discovered to be owned by the Princeton Theological Seminary. Through a lot of effort (inaudible) and our client with a lot of background research, did discover that ownership and made this acquisition possible so that is in the works. The site overall is a combination of the DeSellum and Wells property is 2.14 acres. The site consist of less than 5,000 square feet of (inaudible) trees, individual trees or forest. Both has congregated, located in the low area where the existing stormwater issue was mentioned by Mr. Kline. The areas for the parks, I want to mentioned that the public area passive area was about 6,500 square feet and the lower part is about 6,000 square feet. Overall, the green area for the site, we are showing 44 percent green area. The building comprises of 51 percent of that total area and the then the remaining is in pavement, driveways and sidewalks. That is all the issues I have with the site description. If you have any questions, I will be glad to answer them. If not, I will turn it over to the architect Patrick Casey.

Katz Thank you. If we can do that please and I'm sure we will have questions at the end.

Casey Hello my name is Patrick Casey, Senior Partner, Architect. I have with me (inaudible), my senior designer in case we have any questions on the design. I will mentioned one more time about the portal to the City. Quite frankly, any portal is a beginning of a journey. We looked at this site. We have had multiple staff sessions in the design of it. When you are looking at a building, this quality, this type, we were looking at it from several

different aspects. Just to talk about the plan a little bit, if you remember the picture down there if you can look at this one, buildings and residents particularly use to be designed around the fact, of course, parking drives the building. Particularly where the building is surrounded by the parking lot and then you have some green perimeter around the sidewalk. Today is the day that we are looking at the age of sustainability. We are looking to minimize that kind of (inaudible) material. We are trying to increase the green aspect of it. We are looking at ways to bring a more human element to the scale of the building. To look at streetscapes. If you look at the rendering on the board, you will notice that at the corner with the large tree and the civic area that we have created, it is not just for the residents of the building, but it is also for the community surrounding it. There is quite a bit of residential down Diamond Street. As an entry to the City, it starts to become, we designed it around creating a reference and a vernacular around a downtown feel. What we tried to do was increase the green area around the building. We have taking the parking and put it under the building. Basically eliminated the asphalt sense to it. You basically now got a building down meeting the grade with a greenscape in front of it and sidewalks. It is all about pedestrian circulation. We have taken any trash that that loaded from the garage in the lower level. I guess what I really need to do is to start showing some elevations because that is going to give you a feel of what we tried to do with this building. As I said, we had multiple work sessions with the staff in order to take a building and give it a downtown feel. In fact, this become really the first building you see coming into the downtown before you come actually to the Olde Towne area. It's a natural extension of the CBD. It actually starts to create the feel that I see, the future, as Jody said we are on this wave of developing this residential development. I think this kind of helps set the stage for that. It begins to bring us to a different way to look as the building. We tried to bring some historical downtown feeling and sense to it. The massing of it was broken down into shorter 30 to 40 increments.

The detail and design elements were meant to reference that sense of feeling of Olde Towne. We have broken the roof down into segments and pieced with (inaudible). The windows were all broken down to scale to kind of give it once again that more even scale. We tried to create the feeling of multiple buildings, linked the townhouse, row house feel, effect. We tried to bring it more to a human scale, but also to a pedestrian scale. So as you walk around, use the civic center, you will find more and more people with not just from the development, but also from the surrounding communities like we said. The other one shows the feel for coming in at East Diamond, coming from the courtyard of the building. Once again as you walk around the building and work you way around, the plan shows you how the building is broken down. Its ins and outs help relieve some of the scale, the sense of scale to it. Once again, the focal tree, we have a sketch of it, we will show you the civic area and the main focus of the tree. As you can see, there is variation, there is change, there is dynamics to it, but yet there is a continuity and yet there is a sense of moving around the single building. Yet, the feeling of multiple building. So what we think and after working with staff, we came up with this solution of taking it, giving it a different look, a different feel and try and bring that CBD out and the downtown feeling out so you start to sense that even before you get into it. So we think as a portal or as beginning of that journey into the City and downtown area, this is the right effect and the right feel that you want to get. We put together some image boards to kind of help you see the feeling that we trying to convey. It is urban, but yet it's not urban core. It's a downtown feeling. These are row houses that you can see have the similar elements that we are trying to achieve that break the scale down. There is really a nice sense as you walk past them that you are not walking past a massive building, but you are walking past a series of homes and buildings that create a block. Yet, it is not surrounded by parking. Its very green and very friendly and very pedestrian friendly. It also hard to see where the vehicular circulation is but it is very obvious to

the vehicular circulation as you move around the building because we have two parking, one is the lower entry and one in the upper garage entry. Once again, the trash is within the garage so there is no trash pick up areas. We think it's a very as we said we think this project is designed around that sense of sustainability. We think in fact that it potentially is going to be certified sustainable and that is what we are trying to achieve. You don't see many residential projects today that are sustainable. We did create a sketch that we would like to show you. As you can see, this is corner that we are talking about with the major tree, a central focus point to the corner. You can see the building surrounded with parking. What we want to do and the next sketch will show how that same corner is going to feel once this design is complete. You can see that you have a much more user friendly, pedestrian family corner that is very inviting. The building actually accents and creates a backdrop for a very important tree in the community. You don't see many of them big anymore. It was all designed around pedestrians walking around it. Walkways that come into the courtyard and move around the building. There is a lot of green area space surrounding the building. We think that is the direction that corner, that the entry to the CBD is going to want to be. If anyone has any questions?

Katz Let's hear your entire presentation and then we will ask questions. Thank you very much. Mr. Kline did you have anything else to add?

Kline Just kind of a wrap up. The (inaudible) to the CBD zone is it is intended to revitalize and I would like to suggest that in this case we can do that in two ways. One is the western portal as I called in for the City of Gaithersburg, but also to the Olde Towne also. It is interesting as Mr. Casey mentioned or staff has allured to that we will have a number of studios in the building itself. These studios are, just using a rough number 500 -700 square feet. That housing option is the rage in jurisdictions today that have real high

housing cost. The ones that I am familiar with, the ones that I have researched actually for another project are in London and Los Angeles where municipal regulation have changed and encouraged this housing type because it allows people who would not otherwise be able to live in certain locations to be able to afford the units. They are very interesting designs and what you can do. It is like living inside a boat or something. Everything is put to great use. It is a very cleaver way of doing it. And the interesting thing is that the housing type appeals to people who would rather be out rather than stay in their unit all the time. The idea is to get them out on the street, to recreate, to interrelate with people outside. By having that type of unit in this location, we not only upgrade the housing stock on the north side of the City, but we are pumping more people into the core of the City, the downtown. The kind of interesting feature is because the studio units are smaller, there is more in the building and so it artificially inflates the density of the project itself. That's kind of why I use the term artificial. Were we to develop this project although at (inaudible) square foot units per common space? The building would be no different, the building would be the same size. Here we end up because we use the studio mix with this, revitalization and invigoration factor we end up with more units in the building, but we also get that benefit of lower cost housing for a sector of the population who would otherwise not be able to be in this location. And also the invigoration factor as well. I would be glad to answer any questions for you.

Katz Thank you Mr. Kline. If I can please ask our staff. I guess Fred or Jackie or Greg, somebody. In the Master Plan, when we said to combine properties, were we talking about only combining these two or three, I guess the Bermuda triangle. I not even sure that was included in the original. Were we only talking about only these two properties?

Ossont I believe it was Exhibit #19, a copy of the excerpt in the Master Plan. Ideally, we would like to see the Lilac Garden Condominiums as well as the other apartment buildings there consolidated. And so that whole area is outlined. That wasn't possible obviously, but the Master Plan does identify that whole corner right up to the vacant lot on the corner of (inaudible) and Water as the area for consolidation. And since it is black and white, the highlights, there is a golden line around the parcels. So this is three out of the five.

Katz And if this were to be rezoned, what would happen with the other two, if they could be consolidated as a two unit consolidation, what would happen to them?

Ossont Well presumably it would difficult to rezone unless it was a comprehensive rezoning of the Lilac Gardens because (inaudible) and there are a number of different owners. So there is a challenge associated with that. We are still talking to the owners of P238 which is the other property. It would be wonderful to consolidate that as well and bring it into this part of the project. We ask the applicant to consider that. They have discussed it with them, but they are not there yet. For this application, that would remain the R-20 and then at some point in the future when that property is ready, then it would be incorporated as well, under its own application.

Katz I understand as Mr. Kline has explained about the densities and how we should not just look at numbers, but if we were just looking at numbers for the moment, what is the density on the three.

Ossont The application contemplates 191 units over the 2.14 and change application. So that is just short of 90 units per acre.

Katz And if there would not be the studio apartments, if they were combined to be a regular size apartment or whatever the right term, what would be the density based on that.

Ossont I would have to do some quick map. But generally as the staff report indicated on the cover sheet and Mr. Kline reiterated, the studios are generally 500 to 800 square feet. Most of them are 519 as you noted from the floor plan. So, for a typical two bedroom, that is just shy of three units to every one, two bedroom, if the one bedroom are 1200 square feet. So maybe it is a three to one ratio. Factor in that discount and you are looking at 1/3 overall of the project set down around the 140, 150 (inaudible) which would be pretty comprehendible for a project this size. As Mr. Kline indicated, with the Archstone project, with some of the other multi-family projects that have a mix of large twos, ones with dens and things like that.

Katz Any other questions?

Speigel What's the R-20 density maximum?

Ossont Twenty-one and a half units per acres.

Sesma Archstone is about 53 units per acre.

Katz Which I think the H/M Zone although this is obviously not asking about the H/M Zone, but perhaps that is the most dense zone we had prior to the MXDs and CBDs, etc. and that was 54 units per acre.

Ossont Yes. The interested this is the Master Plan talks about multi-family medium density residential. Medium density residential in the zoning ordinance is contemplated in about four or five different zones. The R-90

is medium density residential, the R-20, the RPT, so forth and so on. Some of those are three units an acre, so of those 21-1/2 units per acre, so in the RPT is nine units per acre. And obviously, those are kind, what is out there now is medium density, residential as it was when these places were build in the 50s and 60s and that it about 21-1/2 units per acre.

Katz So, our Master Plan suggests that this would be medium density residential which the highest density would be 21-1/2 units per acre, is that correct?

Ossont Under the R-20.

Katz When the Master Plan was using the term medium density residential.....I would assume.....

Ossont It is using it in the context of the zoning ordinance and that again dates back to the sixties.

Sesma Even if we adopted the current high density in this area in the CBD which would be about 53, 55 units, this is almost twice that. Even with the studios, it still brings it 25 units per acre higher density. One of the issues is, I agree that the elevations that we are seeing are impressive, but there is no transition from the Meem neighborhood, single family home into the CBD. We are going from single family home lots to massive high density project right at the portal area with no transition. And the next transition is to densities that are more comprehendible to what we have at Archstone which is in the neighborhood of 50 plus units per acre. Plus the other thing is it is clearly an odd footprint and I think that footprint is lack of consolidation with the parcel 238. I think it creates problems for redevelopment of that parcel if it is not brought in, if it is not included now.

I understand that there are issues there why that wasn't already consolidated, but I think it certainly limits what can happen at Lilac Gardens and Parcel 238 for future redevelopment. So, that is a concern for me.

Hopkins Mike are you saying that in the CBD that you don't think there is any trade off for higher density?

Sesma I didn't say that, I didn't get to that point yet.

Hopkins I believe that is what you just said?

Sesma No I said that there is absolutely no transition right now. Well, let me go through all my points and then we can come back. I don't mind discussing that. I think it is reasonable and we need to do that. I'm just talking about the limitation of what we see now and what it imposes on these other parcels if it is brought into it. We started hearing about greenspace being 44 percent of this whole footprint. Is that reality?

Katz Its greenspace by definition, its not greenspace, is that correct?

Ossont Actually in the CBD, there is no greenspace requirement. It is a CBD.

Sesma Well the developers (inaudible) so what is the reality?

Ossont We have had this discussion often as to what is green area and what is greenspace. I would have the landscape architect walk you through and show you exactly which areas have been included in that 44 percent.

Katz Could we do that please?

Tawes The green areas are inclusive of obviously all these areas that are green. It also includes the terraces on the building itself as well. So that total is 44 percent of the total area that combines Wells and DeSellum.

Hopkins What is the actual surface of that terrace? Are you actually going to plant a green roof?

Tawes Yes. It will spill out from the conference room here and one of the offices.

Hopkins Can you describe that section for us? Its concrete (inaudible) parking and you got what on top it?

Tawes Green area, planters, terrace, rail.

Katz I guess the question is, what is underneath the.....

Tawes Building, garage....

Sesma So that is the roof of the garage?

Katz So someone that was living in the building would be able to see the green and be able to use it, but not from, I mean doesn't look green from someone driving past?

Tawes From here you are going to see a small one foot wall and it would be a little bit higher on this side.

Hopkins What is the relevant elevation of that second platform to the street there? The street zero, how high is that?

Tawes This one here is about two feet and I will have to defer to Patrick and this one is about 12 feet in this area.

Hopkins That is right at the drive underneath. The street I think is what we are concern about. It ramps down slightly and .....

Katz Maybe your architect should answer?

Hopkins The elevation at the street there at the beginning of the drive to the elevation of the platform, what is the two numbers there.

Casey (inaudible) goes down one level to the (inaudible) parking I think on this one. So you come down (inaudible) level and this is.....

Hopkins Let's try again. The view from Water Street?

Koch Richard Koch, I'm the applicant. Matt, in this location here, this is zero grade which is about foot taller than what is at the intersection here. This wall here is a circular brick wall around here and on top of that wall is five feet taller than the grade that is out here. It steps up about a 1-1/2 to 2 feet from that wall to this terrace level here. The access to this terrace level here is through the corridors inside. There is a wall here, this is above the garage. This area here is unexcavated so the natural planting in this location here. So this is where our taller trees are and our larger plantings are which creates a backdrop to the park here, but it also creates a privacy area for the residence that utilize this courtyard up here. In this location here, your grade at this point here is about 472. There is a grade on here that is 482 and so it is 10 feet taller than the grade here. By comparison out here, this is about 472, 473. So this is 30 (inaudible) coming through here. This is coming down in order to get into the lower level garage, the G2 level garage underneath. So what we actually have

here is two levels of garage underneath. The top level is accessed from the entrance here across from the Barons entrance and that goes straight in. And this service location off of Water Street, it drops down and goes down to the lower level garage underneath here. So the grade (inaudible) down there. Hopefully, that answers your question.

Katz Thank you.

Sesma Where was that location of that playground that you talked about.

Koch What we identified when we were evaluating the site, we have two existing apartment buildings here. Each of them have eleven units for rent, apartment communities. And this back here is the Lilac Gardens condo community which has 31 units. There are a lot of children in both of these two communities, but the reality is that there is no place for them to play. So we thought it would be a good opportunity if we could secure the Bermuda triangle back here which we have been able to do and then we would put a playground in this area back here. Access to that playground from our community is that we have a corridor that comes down the middle, a set of steps that comes down here. Our community would have access coming down through here, but it is open for this community and this community and they can just freely walk in, it won't be fenced.

Sesma So you are going to create a public playground?

Koch There is a public use playground here, a public use passive area and park, seating area out front here.

Sesma So, my last question is about reforestation. Exhibit #12 mentions there are 13 trees and it looks like you are saving two of them?

Koch Three.

Sesma Three, ok. I stand corrected. So where is reforestation occurring. How does those fit into your plans in terms of reforestation?

Koch In an urban environment, in the CBD Zone, you would expect to have a higher density in fact we are providing 44 percent greenspace in my opinion is quite remarkable. If you look at your reforestation requirements, it would be better to speak to the specific requirements. You have to have a minimum of 10,000 square feet because the area can be (inaudible) in size. In reality in urban CBD area, you wouldn't be able to accomplish that. If you think about your Archstone project that you approved, the only place that they had any greenspace on that site was the interior courtyards. Which is why in your provisions for your forest conservation law, there are provisions for waivers and provisions for off site planning. So we will get credit for all the landscaping and the planning that we do, but that credit by the law only allows us to go a certain percentage. The balance of that is a fee in lieu where we plant off site or we give a waiver from Mayor and Council. And that is typically what is done in urban environment and in CBD like Wheaton or Bethesda. I just had a project approved last week at the Shady Grove Metro and the same thing happened. If I can respond to your question about density, by comparison to Wheaton's CBD, they have several different categories or zones there, CBD 1, CBD 2, CBD 3. And the CBD 1 which is adjacent to R-20 development under the optional method the maximum density per unit is 125 units per acre. So, by comparison, the City clearly doesn't have anything like this. So we reached out and looked at areas like Bethesda, Wheaton, Metro Stations and so forth and tried to evaluate what was a reasonable density in those locations. We came back at the 90 units per acre, but again that is an artificially inflated number because of the number of studios. If we were to change those studios to two-bedrooms, it

is not going to change the traffic count, it's not going to change the number of people. (inaudible). When you look at the analysis the same, we want to revitalize and we wan to rebuild Olde Towne, we want to stable people. Give them a place to live about (inaudible) a month. We don't want them staying in their apartments, we want them out on the streets and the bars and the restaurants and socialize. We have the same situation in the Kentlands right now. What is missing in the Kentlands for all the retail areas and restaurants? There are not enough bodies on the streets because it is all young people who are married with kids. They are not the people that come out and go to the restaurants every nights and go to the bars and so forth. So that is why in the Kentlands we are struggling o keep all those restaurants and bars and services going.

Sesma Obviously, the density in Kentlands and Lakelands isn't high enough to support the commercial development that is there. That statement has been made before. I don't know if the people in Kentlands and Lakelands would agree with that. The last issue I think that is most concerning to me is the constraints of those places on redevelopment and the other two parcels that were actually mentioned in the Master Plan in terms of consolidation.

Koch We actually have worked that out with staff. First of all, Lilac Gardens, there are 31 units there. Most of them sold, recent sales are the $200,000 per unit range. It is virtually impossible to redevelop those 31 units because of the value that it would take. The best that we are ever going to get out of Lilac Gardens is the renovation of the existing units to try to upgrade the community. The 22 units that here in the (inaudible) buildings, we looked at this and we decided and we tried several occasions to purchase from the Shaw family and they are just not interested in selling right now. But the plan would be that this finger here, would simply come down to here and turns here, and turns here and

creates an internal courtyard here, a double loaded unit very similar to this. It picks up about 68 units, garages underneath, it works out perfectly. So you have courtyard facing courtyard and they would share the same service drive.

Sesma So you are saying that the end units on that wing are going to be windowless end units? So if you attach another wing to that....

Koch It would not be a problem at all. The end units will face out like this, the (inaudible) goes here, the center corridor, this the same end of this unit. Just like this one goes like this, this continues to go forward and comes like this in terms of (inaudible). We wanted to bring it out here to give it street presence. We want to create the internal area for the community, for the residence, courtyard against courtyard. At that point in the original plan until we learn that we couldn't acquire this property. The original plan was to put a pool on this courtyard area here and have them working together here sharing the service corridor coming down to look like this. But unfortunately at this point in time, the Shah family does not want to sell. So the best we can do is to plan for that future redevelopment at a later point in time.

Spiegel Not withstanding the density question, I do this it is a very novel approach, this whole concept of using the studios for density. I would be remiss if I didn't point out, by changing the zoning to CBD, we would exempt this property from the Affordable Housing Ordinance and even though I think that the studio approach is a novel one as I said, I don't think everybody who needs affordable housing is necessarily a single young person. I guess we can discuss that issue and discuss, there is a reason why the CBD is exempt as the law stands now, but I just wanted to raise that for discussion.

Katz Ok. Matt did you have another question?

Hopkins Yes. I just wanted to tie in, the underground parking is fantastic for a number of different reasons. Environmentally being from my standpoint at the very top, but another is the expandability. One of the greatest things we have burden Garden Apartments with is the ability to not doing anything else with it because you would have to tear up inexpensive asphalt parking in order to make additions to it. So an underground garage allows you to not burden the next stage of the property with cost of an underground garage. It speeds redevelopment or added development lets call it. But I think the environmental issues of getting that parking underground is a wonderful thing to bring to the City and hopefully it ends up working. In the County's CBD as you rightly pointed out is a much higher threshold for development, but the trade off that they demand for that is really high open space requirement, up to 30 percent. Of course you are shooting higher then that and we applaud you for that. The environmental piece that is missing, particularly before the official earth day is that your LEED sheet is lacking. It is lacking tremendously and it is like a painful black hole in what I think is fairly well designed project. So I would like to see you guys go forward and take a much closer, much harder look at that. I think from a (inaudible) zoning standpoint, this is a green project, now we want to see that go a little further.

Koch In my mind, that LEED sheet was our minimum with no brainstorming at all. We will also look at the fact that, there are two points. One is that the 26, we were showing that you can achieve basically with little cost (inaudible) very easily, but we can also get to the 33 possibly. And we are looking at areas and ways that we can actually to a silver level. So there are things that we can do working with staff to do that. The second thing is that the affordable units go from the $519 up to the $800 which are

going to be one bedroom so you are going to have a certain amount of units that are not just studios.

Hopkins The new LEED for homes, I want to congratulate you for all those kinds of things. The studios are very environmentally good thing. LEED for homes will award you for that. So take a look at LEED for homes and showing us. Not too many, but I would like to see it.

Marraffa Before we go to the public. We heard all these negatives, let me talk about a few things. Let me follow-up on what Matt just said. I think it is outstanding that we have now put parking underground. We have 44 percent greenspace in an area that is going to be, there is no requirement for greenspace. That in its self is a really big thing. You have a footprint and no matter how you change the density around it, the footprint is going to be about the same. We've also taken into consideration the additional parcels that we wanted to come in. They are not coming here. We can force it. Can you imagine what those people would be doing if we said, we can't move forward until you buy those other parcels. Those other people would immediately buy land in Florida and in the Bahamas because the increase value and put their little black mask on. I have always been reluctant to do that. We have to take that into consideration at some point in time if they want to come in, your project leads right into it in a very natural way. Underground parking, greenspace in an area that has gone past its prime a number of years ago. We are going to talk about bringing the quality of life up in this part of the City coming into our Olde Towne which we are getting ready to do some major stuff here. So this is a major gateway. I very familiar with these apartments. They have been around for a long time. At one time, they were the cat's meow of the City. They have now reached their life expectancy and it time to move on. We are taking about revenue to the City. We are talking about the quality of life to the people living there. A lot of the people may buy into the same

project. We have a lot of programs that will help them get into this. Re-rent or just move into a better place. So times people just need a push to move into other things. The studio apartments are some of the hottest things going. I look at some projects downtown a year ago and studios are a hot product. If you do the math (inaudible) what we just talked about, we are talking about densities, I think Greg used the terms, you reduce it by a third, we are talking 60 versus 54. We are only talking numbers from the major improvements to this section of land. Sure we would love to have the other people sell, but if they don't want to sell, you can't force them. You have done the next best thing. At some point in time, they are going to see the err of their ways or they will be ready to get out and they will come it and you buy and just add to this. But having all that greenspace, the walking areas, the underground parking, think about safety. Think about getting away from all the parking lots that we have here. And what Matt said about the expandability of things like that. These are all great plus. This is a very nice program, nice plan.

Koch I just want to add a couple more things. When you think about density and when you think about affordable housing, think about construction cost, think about management cost. There is a threshold in terms of management of how many units you need to manage this place efficiently. And to the extent that you don't have enough units to support that, each of the apartments is going to cost more money. We are proposing in here and I will go to the first floor here. There is a club and leasing area here. Let me go to the basement plan right now. Here is a 4,000 square foot fitness center. I can't support a 4,000 square foot fitness center with 120 units or 100 units. In the first floor plan, we have a business center here, a club room here. These are services that are provided to the residence. They get eliminated if you suddenly start cutting all the density simply because it too (inaudible). There is a threshold in terms of the swimming pool. I would love to have swimming pool. That gives them a competitive

advantage. Until I can get 64, 68 more units, I can't afford to put in a swimming pool. So as you are thinking about density and the impact of density, you need to think about all those things. The studio don't put any kids in school. They re school friendly. There is just a lot of other issues other than just that number that everybody seems to be focusing on.

Bauer Just a two-minute overview. I know you probably haven't completed the traffic studies yet, but what are seeing as the preliminary impact on, especially the intersections of Meem, West Diamond, Water. Funny geometry there, any kind of read yet.

Koch Traffic studies are approved, all the intersections are fine. If you think about this, we adding traffic, but we are also taking away traffic from existing community. So the net difference to the traffic in and traffic out is about 40 to 50 trips per peak period. All our intersections are still operating within the (inaudible) range. Site distances are fine. State Highway has approved their access (inaudible). One of the benefits of splitting the garage is that we talked about the garages connected internally so that there is no ramps internally. One of the reasons we are doing that is that is more economical to construct without the ramps. You get more efficiency in terms of your (inaudible) but the other thing that it forces distribution. Half of the community has to come up this way and half of the community has to come up that way. So its distributes people to the roads in a different way. So it is all part of the whole (inaudible) to make the community work and work effectively without impacting what is already existing. We think its hundred percent zillion percent better the whole way around if you go through each of the analysis.

Drzyzgula I just wanted add in relation to the traffic and the (inaudible). There is an aerial photograph with circle on of 5-minutes and 10-minutes, but if you look at the beginning (inaudible) and (inaudible) measurements really

don't make much sense. So I walk from the train station in Gaithersburg this morning over to the project because I was curious about how long it would actually time. And it's a ten minute walk. I walked under the bridge the first time and it was actually quite lovely and then over the bridge which (inaudible) crossing 355 coming back. But I think with the location near the train station, there is good access to bus routes that go straight to the Metro Station. It's not like the 57 that takes you practically up to the airpark before you get to the Metro Station. I think having an urban development with this kind of transportation available, it makes more sense. I think if you put up, I mean if you really just don't want the higher density with parking underneath then you just don't want it. But the way it is now, you go all this asphalt. I don't think there is much more greenspace on the property now then there will be after this is built because there is so much parking. And will say I walked over there and it really is not pleasant. I walked in the back to try and look at some of the trees and when I got to the dumpster a hand came up over the backside and threw at 11 a.m., threw an alcohol bottle over the dumpster. Eventually, the rest of the person came stumbling out from behind the dumpster at which point I left. But also initially concerned about eh loss of the trees, but then I did look at the specific varieties and most of the trees that you are removing are trees that grow fast and fall down fast. In fact, there is a tree there that consist one (inaudible) of the trunk. It's no longer upright. So if appropriate care is taken for the trees that are selected and plant (inaudible) for the reforestation, I think it actually be an improvement.

Koch The other thing that would happen is that density would lower. What you see typically see (inaudible) products like the Archstone product with the garage up by the (inaudible), it's cheaper. Its lower density, it's cheaper, but it is not the way people want to live. People want to go into hotel lobby and they want to go around and (inaudible) with their neighbors while they are in that hotel lobby and walking throughout the community. You never

got to a hotel with (inaudible) garage where you drive up to the top and you go out into your corridor and walk into your hotel room. That is the least expense way to do. I didn't want that. I wanted three sided architect. I wanted the garage to be hidden. In order to do that you have to increase the density and pay for the (inaudible).

Hopkins The only thing I would add about the (inaudible), I am very disappointed with the reforestation off site as well. I know that it does requires a certain amount of contiguous area in order to be really counted as reforestation, basic landscaping in smaller area so that doesn't really count even though its there. I would ask you to really look closely at that in terms of the caliber of trees, the trees you choose in order to increase the impact that you can make from landscaping standpoint on the tree. So if you do come back for an application, that you very closely at upgrading the type of landscape. I believe that we are smart enough to recognize that up here even though it doesn't fall into the reforestation calculations itself.

Katz I think it should be noted that we are dealing with a rezoning a potential rezoning based on a Master Plan. And what has been suggested in that Master Plan, whether the Master Plan should be relooked at or whatever, but what is being suggested is the (inaudible) that we would consider the CBD zoning for these parcels, is that they all be combined. It didn't say combine them piece meal. It says that they all be combined. This project does not do that at this time. And even though I understand that they are saying that there is some addition moment, perhaps that would work. What we are saying is let's pretend that they did and to me that is not in line with the Master Plan. The other thing I understand what we are saying is that the footprint would be the say. And the reason we are having the underground parking is because of the density. What we are doing, even though the underground parking is certainly something that would be desirable, I think that we need to make certain that we don't

violate our own Master Plan or if not that we at least relook at the Master Plan to make certain that that is what we want it to do. Anybody else please? If not then we are going to go to the public. This is the time that the Mayor and Council and Planning Commission hear from anyone that would like to speak on this joint public hearing topic. We ask that you please keep your remarks to no more than three minutes. Please note that the timer will beep and blink yellow when you have 30 seconds left of your three minutes so that you can begin to finish your statement. The timer will beep and turn red when your three minutes is up. Please note that any additional testimony that you might have can be submitted to the City in written form and will be a part of the record just as your oral testimony. Please state your name and address for the record. Who would like to be the first speaker? Do we have anyone that would like to speak on this topic?

Speakers from the public:

Shah My name is Shreedhar Shah and I represent the Shah family and we own the parcel to the left of the proposed project next to Lee Wells property. Everyone is talking about the next generation of Gaithersburg and all those things. I am here to think about the existing generation of the folks at Gaithersburg. People are talking about affordable housing and I know that there are certain requirements. Well, the apartments that we own are 100 percent affordable housing. I have deep concern about the traffic issues that this project is going to bring. I ask that the people that do the traffic study to try and take a left turn at 5 p.m. off of Water Street. It will take you about 5 – 10 minutes. Now imagine with 191 units. Let's say 1.5 cars on average, that is 300 new cars. Not to mention that if this project and Gaithersburg continues to flourish, all the extra traffic that is going to going in and out on Diamond Avenue, it is a mess right now. I live in North Potomac and I drive in my office right on 355 everyday. It takes a

long time to make those left turns and it is getting worse and worse. It is good for the City for the progress that is going on, but think about the people that live on Water Street and think about all those homes on Water Street. So I would ask that if this project goes forth, to take a strong hard look at the traffic and potential mediation issues. My second point is, I know today the entrance of the garage, well that is going to have an adverse impact on some of the stronger communities. Maybe take a look at the lower entrance, the one in the alley. What is that going to be like for the people that live literally 36 inches away from the driveway. Is there an idea to maybe just build a retaining wall for noise and what is it going look like esthetically. Everyone is talking about the terraces and trees, but what is it going to look like to the naked eye, people walking. People mentioning that people are going to be walking up and down the streets. Again, some of these aesthetic things need to be looked at. And the third thing is, I didn't hear any time lines to how long this is going to take. Is this a 12 month construction project, an 18 month construction project. I get about four calls everyday from my tenants. I don't have 22 units over there and in the last week I am getting a lot of concern from my tenants and these are average people. These are the core of the affordable housing that is disappearing quickly from the City of Gaithersburg and we are trying to protect that so thanks for your time.

Katz Thank you very much. If the next speaker will please come forth.

Brown Good evening Mr. Mayor and Council. My name is Jeffrey Brown. I am the President of the Lilac Gardens Condo Association. Just a couple of concerns that I had which may have actually been covered by the gentleman that gave the presentation today. One is that (inaudible) stormwater management issue. There is a severe issue in that area back of Lilac Gardens and along the back of the property you are speaking on. Also one of the things I wanted to discuss is the effect of the trash. They

are telling you that they are going to be inside the parking garage, that is good because outside there would be just nothing but a collect of refuge just we are dealing with over in Lilac Gardens. One of the issues I wanted to discuss is the security of the development. That area, in the triangle area where there has been a lot of people just hanging out and partying and spending evenings just being (inaudible) and what not. I don't know where they are going to go. They are either going to go to my area (inaudible). There definitely is going to need to be something done with security for that area; otherwise I think that me and the Board of Lilac Gardens Condo Association are behind this project and we wish it the best of luck. Thank you.

Katz Thank you very much.

Walters I'm Julia Walters and I live at Diamond Acres Apartments. When he talks about those studio apartments that are 500 and so square feet. Well since getting this notice I have been searching for places. Right now I have a very large two bedroom apartment at Diamond Acres. My rent right now is $710 and I have lived here for 30 something years. I would have to go from that to an efficiency apartment which is 431 square feet. That is basically saying 10 feet by 18 feet of living space. Those efficiencies are $845 which will leave me for the next two weeks after I get paid $5. That is not even including utilities. It is nice that you all have these wonderful ideas, but like the gentleman said that is here with the other partner, you are forgetting the people that don't make the big bucks. Who is to select who goes in these studios. I already called HOC. I make to much money to get help from them, but then I don't make enough to pay hardly enough to even get an efficiency apartment. There is something wrong with society. We all didn't get a chance in life. I am divorced and I had to raise my two children, instead of furthering my education. This just really has upset me. I'm 62 now and I have to look

for some place else to live. If you already made up your mind which I kind of thing that you have on the deal, then we need to know, how much time do we have to prepare for this. Is it going to be a 30 day notice, 60 day notice, three months, four months left. We need to know these things. The gentleman that you said was at the dumpster was probably a hobo that lives underneath the bridge. Which I probably feel like in a way that maybe I will be joining him because of the rent. I can't afford anymore than what I am doing right now. And there are a lot of people in that building. Some, most of those people have two and three jobs just to survive. They have more than just one family living in a one or two bedroom apartment because they can't afford what Montgomery County is offering.

There were no other speakers from the public.

Katz Thank you very much. Let me just say very clearly that know one has made up their mind, this is a public hearing and I can tell you that there will be at the end of this public hearing, there will be a notice when people can continue to add things to the record. We base things based on the record and at this moment there has been no discussions other than the ones that you have seen except with the developer and our staff. Staff does not make the decisions for a rezoning. They give their suggestions. The developer certainly does not make the decision for a rezoning. There again, they give their suggestions. At the end of the public hearing, the Planning Commission, at the end of the public hearing record being held open, the Planning Commission will give their recommendation to the Mayor and Council. The Mayor and Council will decide whether it will be rezoned. If it is decided to be rezoned, then at that point and time frames will be looked at. But at this point, no decisions have been made. Mr. Koch please?

Koch Just to give her some piece of mind. Even if you were to approve this tonight, we would not be looking for any of the residents to leave before the summer of 2010 anyway. So, we think we need that long to get the plans done and everything moving forward.

Katz Is there anyone else that would like to speak on this topic?

Koch Not 2010, 2009.

Katz Anybody else would like to speak on this public hearing topic? What is the pleasure of the Planning Commission?

Bauer Thank you Mr. Mayor. Well the staff has made a recommendation that the Planning Commission hold their record open until 5 p.m. on Wednesday, May 21, 2008, that is 30 days with anticipated recommendation on June 4, 2008. Is there a motion please?

Kaufman I move that the Planning Commission hold their record open until 5 p.m. May 21, 2008 with the anticipated recommendation on June 4, 2008.

Hopkins Second.

Bauer It's been moved and seconded. All in favor please say aye?

Commission Ayes.

Bauer That passes unanimously (3-0), Mr. Mayor.

Katz Thank you very much. Its been recommended that the Council hold its record open until 5 p.m. on Friday, June 6, 2008, which is 46 days with an anticipated policy discussion on Monday, June 16, 2008. What is the pleasure of the Council?

Ashman So moved.

Marraffa Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? That passes (4-1 [Sesma]).

End of Joint Public Hearing
Z-308(o)

Jacqueline Marsh - Residences at Olde Towne - "Gaithersburg Green Residential Criteria"

From: "Richard Koch" <rkoch@keystonerei.com>
To: "Greg Ossont" <GOssont@gaithersburgmd.gov>
Date: 05/23/2008 10:20:07 AM
Subject: Residences at Olde Towne - "Gaithersburg Green Residential Criteria"

Greg:

I'm willing to commit that the development and construction of Residences at Olde Towne will be in substantial compliance with Ordinance No. 0-14-07 "Gaithersburg Green Residential Criteria" as currently adopted.

Rich

Richard Koch
Managing Member
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424
301.840.5859 Fax
rkoch@keystonerei.com E-mail

PENGAD 800-631-6989
JOINT EXHIBIT
#73
Z-308(0)
4.21.08

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS is made this _____day of _____, 2008, by KEYSTONE REAL ESTATE INVESTMENTS, LLC ("DECLARANT").

WITNESSETH:

WHEREAS, the Code of the City of Gaithersburg, Maryland provides in Section 24-198 (Zoning Ordinance) for an optional method of application for local zoning map amendments in which an applicant may limit a development standard to less than the maximum permitted in a requested zone, or the applicant may limit the land use of the property to be rezoned to less than all of the uses permitted in the requested zone; and

WHEREAS, DECLARANT has submitted to the City of Gaithersburg a local map amendment zoning application seeking CBD zoning for a parcel of land located within the boundaries of the City of Gaithersburg ("Subject Property") identified on Exhibit A (Plat) and Exhibit B (Metes and Bounds Description) attached hereto and incorporated herein by reference, said zoning application having been designated by the City of Gaithersburg as Zoning Application No. Z- 308 (o); and

WHEREAS, it is the intention of DECLARANT in Zoning Application No. Z-308 (o) to limit the development standards and the land uses of the CBD zone for the Subject Property to less than the maximum permitted in the CBD zone; and

WHEREAS, Section 24-198(b) of the City Zoning Ordinance requires the filing, with a zoning application under the optional method of development, of a covenant specifying the manner in which the property to be rezoned is to be restricted in its development standards or use, and that such application include language that the Property shall be restricted in its use and/or development standards to the schematic development plan and accompanying or qualifying text materials submitted with such plan, as such plan may be approved or modified by the Planning Commission at the time of the final site plan review;

NOW, THEREFORE, in consideration of the foregoing recitals, each of which are hereby incorporated in and made a substantive part of this Declaration, DECLARANT hereby enters into this Declaration of Covenants for the purposes stated above and declares that the Subject Property shall be developed subject to the following restrictions:

ARTICLE 1
DEVELOPMENT STANDARDS

The Subject Property shall be constructed at less than the maximum standards permitted in the CBD zone as of the date of rezoning of the Subject Property as specified below:

1. Density.

   The number of dwelling units constructed on the Subject Property shall not exceed 191.

PENGAD 800-631-6989
JOINT EXHIBIT
74
Z-308(o)
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2. Building Height.

No building constructed on the Subject Property shall exceed a total of four stories (excluding garage levels), except for feature towers and turrets that shall not exceed five stories.

3. Setback of Buildings.

Buildings constructed on the Subject Property shall provide not less than the following setbacks.

West Diamond Avenue	15 feet
Maryland 117A "Service Road"	5 feet
Water Street	15 feet

4. Minimum Green Area Requirement.

The amount of green area, including designated parks, public and private open space, active and passive recreational areas and courtyards provided on the Subject Property shall not be less than 40 %.

5. Work Force Housing Units.

Fifteen percent (15%) of the dwelling units shall be offered to eligible participants under the terms of an affordable housing program for households earning at least 80 percent of AMI, but no more than 120 percent of AMI, adjusted for household size in accordance with City Code Regulation No. 02-07.

ARTICLE 2
LIMITATIONS ON USE

Use of the Subject Property shall be restricted to the following:

a. Multi-family residential dwellings.

b. Offices and rooms for marketing, sales, leasing, operation and management of the multi-family residential dwellings.

c. Rooms for resident services and amenities including but not limited to rooms for community social events and parties; theater rooms; fitness centers; business centers with provisions for internet, computer, copying and facsimile facilities.

d. Parking garages for the residents of the multi-family residential dwellings and their guests and visitors.

ARTICLE 3

RESTRICTIONS AND LIMITATIONS

The restrictions and limitations set forth herein shall only become applicable and binding upon the effective date of the rezoning of the entire Subject Property to the CBD classification and the approval of the Schematic Development Plan and related conditions agreed upon These restrictions and limitations shall then remain in effect thereafter until a) any part of the Subject Property is subsequently rezoned, or b) this Declaration of Covenants is modified with the approval of the City of Gaithersburg. Articles 1 and 2 describe the binding elements of this application for rezoning under the Optional Method of development.

IN WITNESS WHEREOF, DECLARANT has hereunto set its hand and seal the date first above written.

Witness: KEYSTONE REAL ESTATE INVESTMENTS, LLC

_____ By_____

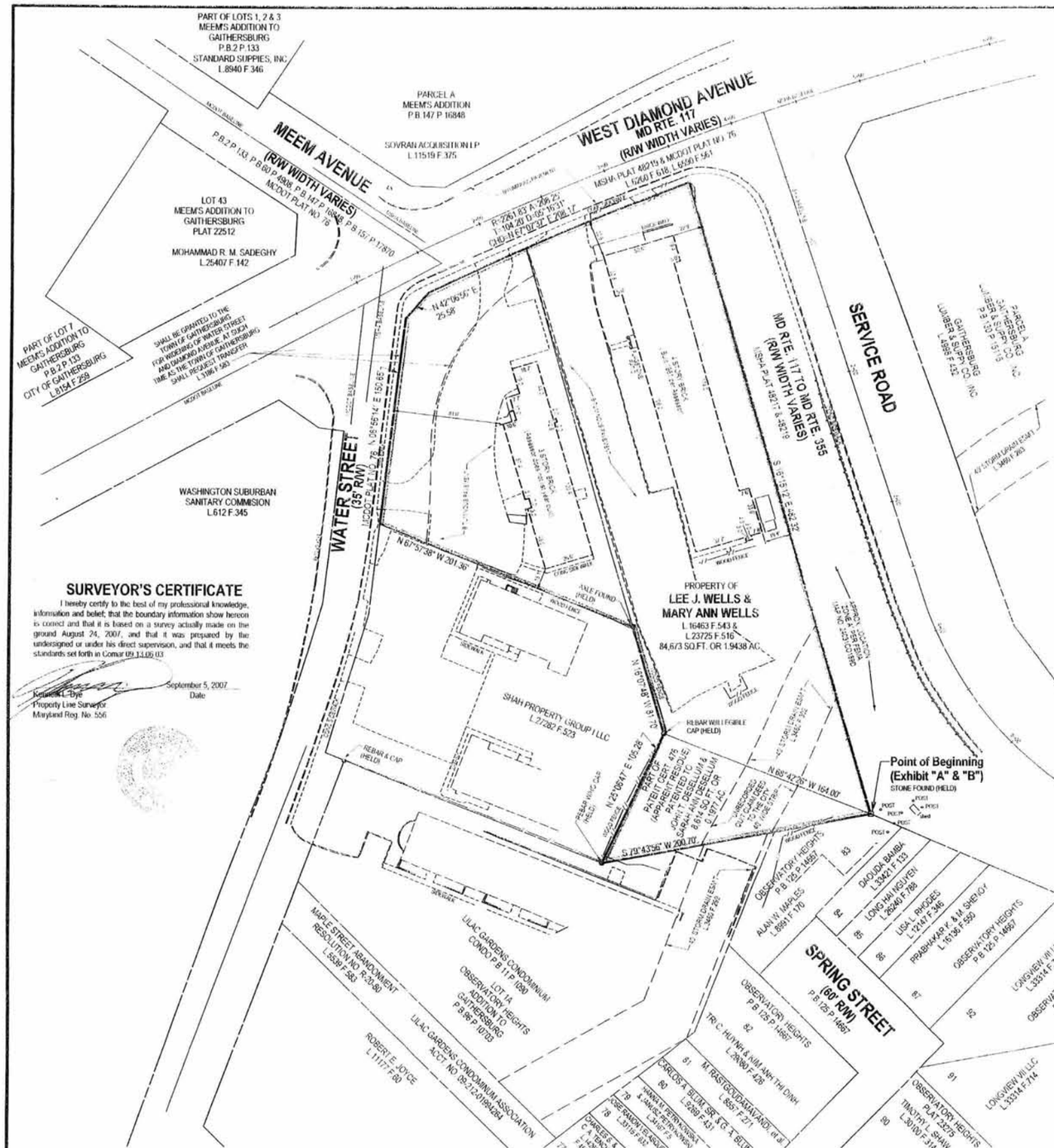
STATE OF MARYLAND, COUNTY OF MONTGOMERY, to-wit:

ON THIS ____ day of _____, 2008, before me, the undersigned officer, personally appeared _____, for KEYSTONE REAL ESTATE INVESTMENTS, LLC, known to me to be the person whose name is subscribed to the foregoing, and being authorized so to do, executed the same as the act and deed of KEYSTONE REAL ESTATE INVESTMENTS, LLC for the purposes therein contained.

WITNESS my hand and official seal the same day and year first above written.

_____
Notary Public

My Commission expires: _____



SURVEYOR'S CERTIFICATE

I hereby certify to the best of my professional knowledge, information and belief, that the boundary information show hereon is correct and that it is based on a survey actually made on the ground August 24, 2007, and that it was prepared by the undersigned or under his direct supervision, and that it meets the standards set forth in Comar 09.13.06.03

Kenneth L. Byle
Property Line Surveyor
Maryland Reg. No. 556

September 5, 2007
Date

EXHIBIT "A"

PROPERTY OF
LEE J. WELLS &
MARY ANN WELLS
L.16463 F.543 & L.23725 F.516
GAITHERSBURG (9TH) ELECTION DISTRICT
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

Being all of the property described in the following two (2) conveyances to Lee J. Wells and Mary Ann Wells, the first (1st) being from George L. F. Seidl by deed dated November 6, 1998 and recorded among the Land Records of Montgomery County, Maryland in Liber 16463 at Folio 543, and the second (2nd) being from Robert F. Richards, Successor Trustee, by deed dated October 30, 2007 and recorded among the said Land Records in Liber 23725 at Folio 516; and being more particularly described in the meridian of the Maryland State Plane Grid System (NAD 83/91), as follows:

Beginning for the same at a stone found marking the end of the third (3rd) or South 63°East, 10 perch line of Parcel One as described in the aforementioned conveyance from George L. F. Seidl to Lee J. Wells and Mary Ann Wells, L. 16463 F. 543, said stone also marking the end of the North 79°41'10" East, 72.17' foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG, SPRING HOLLOW TOWNHOUSES" and recorded among the aforesaid Land Records in Plat Book 125 as Plat 14667; thence running reversely with and along said third (3rd) line of Parcel One and the third (3rd) line of Parcel Two of said conveyance from Seidl as now surveyed

1.) North 68°42'26" West, 164.00 feet to a rebar found, with an illegible cap, marking the beginning of the fifth (5th) or North 16°38'40" West, 82.26 foot line as described in a conveyance from Alvin I. Aubinoe, III, Trustee, to Shah Property Group I, LLC, by deed dated April 26, 2004 and recorded among the aforesaid Land Records in Liber 27282 at Folio 523; thence running with and along said fifth (5th) line and the sixth (6th) line of said conveyance to Shah Property Group I, LLC, the following two (2) courses

2.) North 16°07'48" West, 81.70 feet to an axle found, said axle also marking the beginning of the first (1st) or North 67°43'50" West, 204.19 foot line as described in the aforementioned conveyance from Richards to Wells, L.23725 F.516; thence running with and along said line

3.) North 67°57'38" West, 201.36 feet to a point on the westerly side of Water Street (formerly Middle Branch Road), 35 foot right of way as described in a conveyance from Oscar F. Fulks, et ux. to the Washington Suburban Sanitary Commission by deed dated November 27, 1935 and recorded in Liber 612 at Folio 345; thence running with and along the westerly side of Water Street

4.) North 06°56'14" East, 150.65 feet to a point on the southerly right of way line of West Diamond Avenue, Maryland Route 924, right of way width varies, as shown on SHA Plat No. 48219 and described in a conveyance from Peggy Lane, et al. to the State of Maryland by deed dated October 30, 1984 and recorded among the aforesaid Land Records in Liber 6590 at Folio 561; thence running with and along said conveyance to the State of Maryland and the conveyance from George Seidl to the State of Maryland by deed dated December 5, 1983 and recorded among the aforesaid Land Records in Liber 6260 at Folio 618 the following three (3) courses

5.) North 42°06'56" East, 25.58 feet to a point; thence

6.) 208.25 feet along the arc of a non-tangent curve deflecting to the right, having a radius of 2261.83 feet, and a chord of North 67°07'37" East 208.17 feet, to a point on the westerly side of a Service Road as shown on said SHA Plat and described in said conveyance for Seidl; thence, running with and along said Service Road

7.) South 16°15'17" East, 482.37 feet to the POINT OF BEGINNING. Containing 84,673 square feet or 1.9438 acres, of land

EXHIBIT "B"

PART OF
PATENT CERTIFICATE 476
APPARENT RESIDUE OF THE LAND
PATENTED TO
JOHN T. DESELLUM &
SARAH ANN DESELLUM
MAY 1, 1857
GAITHERSBURG (9TH) ELECTION DISTRICT
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

Being part of the property described in a patent granted unto John T. Desellum and Sarah Ann Desellum by patent dated May 1, 1857 and recorded among the Patent Records for Montgomery County, Maryland as Patent No. 476; and being more particularly described in the meridian of the Maryland State Plane Grid System (NAD 83/91), as follows:

Beginning for the same at a stone found marking the end of the North 79°41'10" East, 72.17' foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG, SPRING HOLLOW TOWNHOUSES" and recorded among the aforesaid Land Records in Plat Book 125 as Plat 14667, said line also being part of the North 79°41'10" East, 269.61 foot line as shown on a plat of subdivision entitled "OBSERVATORY HEIGHT, ADDITION TO GAITHERSBURG" and among the aforesaid Land Records in Plat Book 96 as Plat 10703, thence running reversely with and along said line as now surveyed

1.) South 79°43'56" West, 200.70 feet to a rebar found, with an illegible cap, said rebar also marking the beginning of the fourth (4th) or North 25°12'00" East, 165.15 foot line as described in a conveyance from Alvin L. Aubinoe, III, Trustee, to Shah Property Group I, LLC, by deed dated April 26, 2004 and recorded among the aforesaid Land Records in Liber 27282 at Folio 523; thence running with and along said fourth (4th) line

2.) North 25°06'47" East, 105.28 feet to a rebar found, with an illegible cap, said rebar also marking the beginning of the third (3rd) or South 63°East, 10 perch line of Parcel One, as described in a conveyance from George L. F. Seidl to Lee J. Wells and Mary Ann Wells by deed dated November 6, 1998 and recorded among the said Land Records in Liber 16463 at Folio 543; thence running with and along said third (3rd) line of Parcel One and with the third (3rd) line of Parcel Two as described in said conveyance to Wells

3.) South 68°42'26" East, 164.00 feet to the POINT OF BEGINNING. Containing 8,611 square feet or 0.1977 of an acre of land.

NOTES:

1.) HORIZONTAL DATUM SHOWN HEREON IS MARYLAND STATE PLANE GRID, NAD 83 AND IS BASED UPON THE CORS STATIONS LISTED BELOW

BASE STATIONS USED

PID	DESIGNATION	LATITUDE	LONGITUDE
AF9522	GAIT GAITHERSBURG CORS ARP	N390802.340	W077°13'15.518"
AI7403	USNO U.S. NAVAL OBSERV CORS ARP	N385568.236	W077°03'58.206"
DH4144	LWX1 STERLING CORS ARP	N385821.634	W077°21'13.562"
AI9646	GODE GODDARD SPACE CTR CORS ARP	N390118.189	W076°50'39.575"
AJ4426	ANP1 ANNAPOLIS 1 CORS ARP	N390037.004	W076°36'33.281"
AJ4467	HAG2 HAGERSTOWN 2 CORS ARP	N393312.483	W077°42'50.752"

	SCALE	x	ELEVATION	=	COMBINED
PROJECT AVERAGES:	0.99996046		0.99997752		0.99993799

PROJECT GRID FACTOR = 0.99993799

2.) THE PROPERTY INCLUDED IN THIS SURVEY LIES WITHIN "ZONE X" SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD, AND "ZONE X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS INDICATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP ENTITLED "FIRM", "FLOOD INSURANCE RATE MAP", MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS PANEL NUMBER 189 OF 480 MAP NUMBER 24031C0189D WITH AN EFFECTIVE DATE: SEPTEMBER 29, 2006. THE APPROXIMATE LOCATION OF SAID ZONE "X" HAS BEEN DEPICTED ON THIS MAP

Z-308 "X"

Loiederman Soltesz Associates, Inc.
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Environmental Sciences
www.LSAssociates.net
Rockville
Lanham
Frederick
Waldorf
Leonardtown
Chantilly

NO.	REVISIONS:	BY	DATE

Date:
Designed:
CAD Standards Version:
Technician:
Checked:

Copyright ADC The Map People
Permitted Use Number 20001999

Map:	Grid
Tax Map	Zoning Category:
M NCPPC 200' Sheet	
WSSC 200' Sheet	

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

BOUNDARY SURVEY

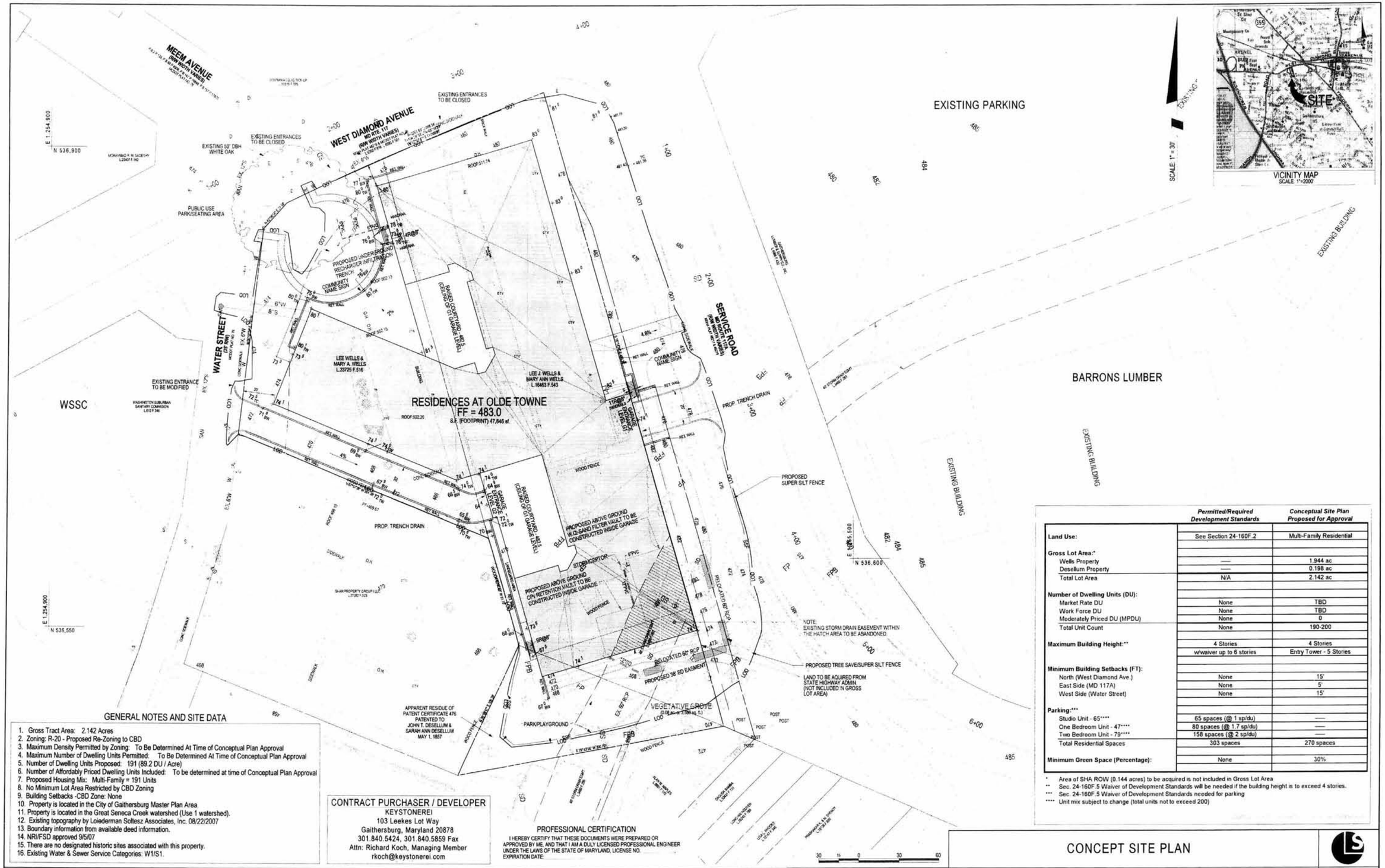
PROPERTY OF
LEE J. WELLS & MARY ANN WELLS
L.16463 F.543 & L.23725 F.516 AND
PART OF PATENT CERT. 476 (APPARENT RESIDUE) PATENTED TO
JOHN T. DESELLUM & SARAH ANN DESELLUM
GAITHERSBURG (9TH) ELECTION DISTRICT
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

1" = 40'

PROJECT NO.
2990-01

PENGAD 800-631-6989

JOINT EXHIBIT #4
Z-308(o)



	Permitted/Required Development Standards	Conceptual Site Plan Proposed for Approval
Land Use:	See Section 24-160F.2	Multi-Family Residential
Gross Lot Area:*		
Wells Property	—	1.944 ac
Desellum Property	—	0.198 ac
Total Lot Area	N/A	2.142 ac
Number of Dwelling Units (DU):		
Market Rate DU	None	TBD
Work Force DU	None	TBD
Moderately Priced DU (MPDU)	None	0
Total Unit Count	None	190-200
Maximum Building Height:**	4 Stories	4 Stories
	w/waiver up to 6 stories	Entry Tower - 5 Stories
Minimum Building Setbacks (FT):		
North (West Diamond Ave.)	None	15'
East Side (MD 117A)	None	5'
West Side (Water Street)	None	15'
Parking:***		
Studio Unit - 65******	65 spaces (@ 1 sp/du)	—
One Bedroom Unit - 47******	80 spaces (@ 1.7 sp/du)	—
Two Bedroom Unit - 79******	158 spaces (@ 2 sp/du)	—
Total Residential Spaces	303 spaces	270 spaces
Minimum Green Space (Percentage):	None	30%

* Area of SHA ROW (0.144 acres) to be acquired is not included in Gross Lot Area
** Sec. 24-160F.5 Waiver of Development Standards will be needed if the building height is to exceed 4 stories.
*** Sec. 24-160F.5 Waiver of Development Standards needed for parking
**** Unit mix subject to change (total units not to exceed 200)

GENERAL NOTES AND SITE DATA

1. Gross Tract Area: 2.142 Acres
2. Zoning: R-20 - Proposed Re-Zoning to CBD
3. Maximum Density Permitted by Zoning: To Be Determined At Time of Conceptual Plan Approval
4. Maximum Number of Dwelling Units Permitted: To Be Determined At Time of Conceptual Plan Approval
5. Number of Dwelling Units Proposed: 191 (89.2 DU / Acre)
6. Number of Affordably Priced Dwelling Units Included: To be determined at time of Conceptual Plan Approval
7. Proposed Housing Mix: Multi-Family = 191 Units
8. No Minimum Lot Area Restricted by CBD Zoning
9. Building Setbacks -CBD Zone: None
10. Property is located in the City of Gaithersburg Master Plan Area.
11. Property is located in the Great Seneca Creek watershed (Use 1 watershed).
12. Existing topography by Loiederman Soltesz Associates, Inc. 08/22/2007
13. Boundary information from available deed information.
14. NRI/FSD approved 9/5/07
15. There are no designated historic sites associated with this property.
16. Existing Water & Sewer Service Categories: W1/S1.

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. _____ EXPIRATION DATE: _____

Loiederman Soltesz Associates, Inc.
ROCKVILLE OFFICE
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Rockville, MD 20850
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Surveying
Environmental Sciences
Rockville
Lanham
Frederick
Waldorf
Leonardtown
Chantilly
www.LSAssociates.net

4	BUILDING FOOTPRINT MODIFIED	TH	04/14/08
3	REVISED PER CLIENT COMMENTS	TH	03/07/08
2	REVISED PER CITY OF GAITHERSBURG REVIEW	TH	02/25/08
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	TH	10/25/07

SEPTEMBER 2007 — JDC — JDC — MICROSTATION V8 STD. 2000 — SPT/TP

19	E9
FT 341	PROPOSED CBD
223 NW 10	

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

CONCEPT SITE PLAN

RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

1" = 30'

PENGAD 800-631-6989

JOINT EXHIBIT #10
Z-308(O)
4-12-08

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

CONCEPT LANDSCAPE PLAN

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4	BUILDING FOOTPRINT MODIFIED	TH	04/14/08
3	REVISED PER CLIENT COMMENTS	TH	03/07/08
2	REVISED PER CITY OF GAITHERSBURG REVIEW	TH	02/26/08
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	TH	10/25/07

SEPTEMBER 2007 — MICROSTATION V8 STD. 2000
JDC — JDC — SPT/TP

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FT 341	PROPOSED CBD
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MISS UTILITY NOTE

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RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

30'

PENGAD 800-631-6989

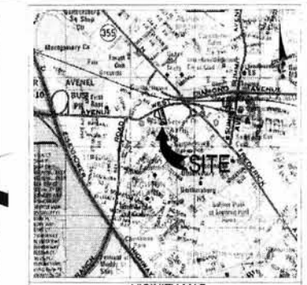
JOINT EXHIBIT #11
Z-308(O)
4-21-08

LEGEND

FP	100 YEAR FLOODPLAIN LIMITS (Source: FEMA)
FPB	100 YEAR FLOODPLAIN BUFFER (Source: FEMA)
	SPECIMEN TREE (Approximate location) (Root zone shown for retained trees the near redevelopment or affected by the redevelopment)
X	REMOVED SPECIMEN TREE (Approximate location) (Root zone shown for retained trees the near redevelopment or affected by the redevelopment)
	EXISTING TREE LINE
	FOREST CLEARING
	FOREST RETENTION
	FOREST RETENTION SIGN
LOD	LIMIT OF DISTURBANCE
RP	ROOT PRUNING
TSSF	TREE SAVE/SUPER SILT FENCE
530	EXISTING CONTOURS
530	PROPOSED CONTOURS
	PROPERTY BOUNDARY

* NOTE: AREA OF FOREST IS BASED ON ACTUAL FIELD DATA.

SCALE: 1" = 30'



VICINITY MAP
SCALE: 1"=2000'

City of Gaithersburg Forest Conservation Worksheet

TRACT AREA, FOREST COVER AND CLEARANCE AREA

A: Tract Area (ac.)	2.14
B: Existing Forest Cover * B=Forest Cover within Tract Area A	0.96
C: Cleared Forest Cover C=Forest Cover to be cleared as result of development	0.03
D: Retained Forest Cover D=B-C (Existing Forest Cover B - Cleared Forest Cover C)	0.93

AFFORESTATION

Use zero (0) for all negative numbers resulting from calculations

E: Afforestation Threshold E=Tract Area A x 15%	0.32
F: Afforestation Required F=E-B (Afforestation Threshold E - Existing Forest Cover B)	0.26

REFORESTATION

Use zero (0) for all negative numbers resulting from calculations

G: Conservation Threshold G=Tract Area A x land use conservation percentage	20* x A 0.43

Residential	Institutional	Commercial Or Industrial	Mixed Use
1	0	0	0

H: Existing Forest Cover greater than Conservation Threshold H=B-G (Existing Forest Cover B - Conservation Threshold G)	0
I: Retained Forest Cover greater than Conservation Threshold I=D-G (Retained Forest Cover D - Conservation Threshold G)	0
J: Clearance greater than Conservation Threshold J=H-I	0.00
K: Retention Credit for retained forest cover greater than conservation threshold K=D-G (Retained Forest Cover D - Conservation Threshold G)	0
L: Clearance less than Conservation Threshold L=G-D (Conservation Threshold G - Retained Forest Cover D)	0.40
M: Reforestation Requirement ** M=1.4J-K-2L	0.81

BREAKEVEN POINT

N: Breakeven Point N=K x 20* x G (Retention Credit K x 20* x Conservation Threshold G)	0.43
O: Clearance allowed without reforestation O=B-N (Existing Forest Cover B - Breakeven Point N)	0

Forest Conservation Summary

Existing Forest *	0.96 ac
Cleared Forest Area	0.03 ac
Afforestation Requirement	0.26 ac
Reforestation Requirement **	0.81 ac
Total Afforestation and Reforestation	1.07 ac
Landscape Credit (25% MAX)	0.25 ac

* Area of forest based on actual field data
** Subject to Lineal Foot Credits for landscaping

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
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rkoch@keystonerei.com

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PRELIMINARY FOREST CONVERSION PLAN

RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

30'

1

PENGAD 800-631-6989

JOINT EXHIBIT #12
7-30&(b)
8/7-13/08

1.
Pre-construction meeting, held on-site to include a presentation of protective measures to construction supervisors, equipment operators, developer's representative, and site and sediment control inspectors.

2.
Clearing limits shall be rough staked by developer in order to facilitate location for trenching and fencing installation.

3.
No clearing or grading shall begin in areas where tree treatment and preservation measures have not been completed.

4.
The sequence of tree treatment and conservation measures shall be:
1) Root pruning trenching.
2) Tree protection fencing.
3) Aeration system installation.
4) Sign installation.
5) Tree pruning and chemical treatment.
6) Mulch treatment.

5.
Above measures shall be directed in the field by the project forester, arborist, naturalist, ecologist, site engineer or landscape architect.

6.
Tree protection fencing shall be maintained and repaired by the developer or contractor for the duration of construction and once approved by the city site inspector, must not be altered without prior approval by the city site inspector.

7.
Access to fenced areas will only be permitted with the prior approval of the owner's representative and the city site inspector;

8.
Designated aeration zones shall be protected with temporary fencing until final grading.

9.
Any excavation or grading required within the fenced areas shall be done as directed and approved by the person mentioned in note # 5 and the city site inspector.

10.
Trees, shrubs, or undergrowth shall be removed from the protected root zone areas only when necessary and shall be removed by hand.

11.
Refer to tree protection action key for specific treatment of each specimen tree.

12.
Attachment of signage, fencing, etc., to trees to be saved is prohibited.

13.
After construction, all temporary barriers, fencing, debris, etc., shall be removed from the site by the contractor.

14.
No sod or seed shall be planted within the designated root zones for all trees to be saved.

FOREST CONSERVATION INSPECTION PROCEDURES

1. Upon permit issuance, the builder/developer must arrange for an engineers' stake out of tree protection in accordance with approved plans. A preconstruction meeting will then be scheduled to determine the location of tree protection devices. The Planning and Code Administration inspector shall adjust tree protection and root pruning in the field as necessary, which may expand or decrease the area being protected. Installation of all tree protection devices should be scheduled and an inspection arranged with the City after all work is complete. The City will issue a punch list for any remaining work needed prior to the start of grading, or issue a report approving the start of grading.

2. Once work begins on-site, the tree protection devices will be reinspected on a biweekly basis, and the builder/developer will be notified of any work that is needed. It shall be the builder/developer's responsibility to maintain all tree protection devices and make any repairs needed.

3. City approval is required prior to removal of any tree protection device or entrance into a tree save area. ***Tree save areas cannot be used for storage of any building materials.***

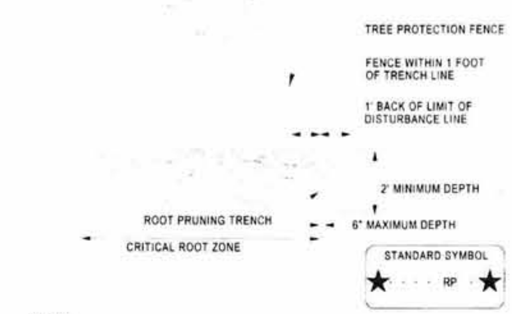
4. The Planning and Code Administration inspector may require pruning and removal of any tree in the tree save area during construction and prior to bond release. These decisions will be based on the trees' health, proximity to buildings, drainage, or other concerns. Every effort will be made to preserve those trees in the tree save area.

5. The City will require mitigation of trees lost during construction in accordance with the Forest Conservation Ordinance. Mitigation will be required prior to bond release, and all replacement trees must be inspected by the City after installation. These replacement trees shall have a one-year guarantee in accordance with the industry standards. The City may also allow the developer to escrow monies for mitigation to satisfy their obligation, which will be used by the City to purchase and install the replacement trees.

6. For mitigation and afforestation, City inspection is required after the plantings have been made. The maintenance period, one year or as stated in the maintenance agreement, will not begin until this inspection has been made. Quarterly reports to the City, if required, on the health of the trees in the save area should also be made, and any recommendations implemented. It shall be the builder/developer's responsibility to maintain these plantings until they are accepted by the City. A final inspection by the City will be made prior to the end of the maintenance period, and a punch list developed for any trees that need to be replaced. The City may allow the developer to escrow monies to satisfy their obligation for any further planting required, which will be used by the City to purchase and install the replacement trees.

7. It shall be the builder/developer's responsibility to satisfy all requirements and conditions of the Forest Conservation Plan and/or any maintenance agreement. In the event of a violation, the City will take enforcement action in accordance with the Trees and Forest Conservation Ordinance (Chapter 22) of the City Code. This may include correction notices, civil citations, or collection of the bond guaranteeing this work.

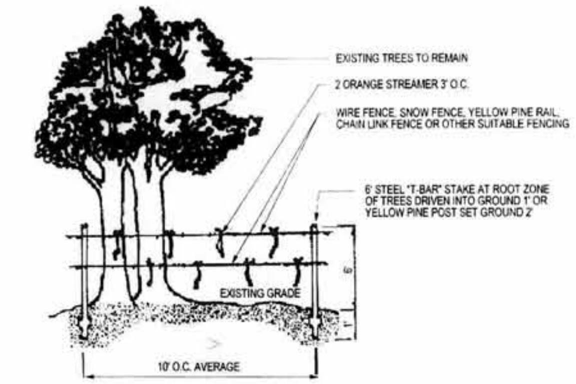
FOREST RETENTION AREA SIGN
NOT TO SCALE



NOTES:
1. RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS
2. BOUNDARIES OF RETENTION AREA SHOULD BE STAKED AND FLAGGED PRIOR TO TRENCHING
3. EXACT LOCATION OF TRENCH SHOULD BE IDENTIFIED.
4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH SOIL REMOVED OR OTHER HIGH ORGANIC SOIL
5. ROOTS SHOULD BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.

SOURCE: CITY OF GAITHERSBURG, MD. CITY TREE MANUAL AND THE MD DNR FOREST CONSERVATION MANUAL 1991

ROOT PRUNING
NOT TO SCALE

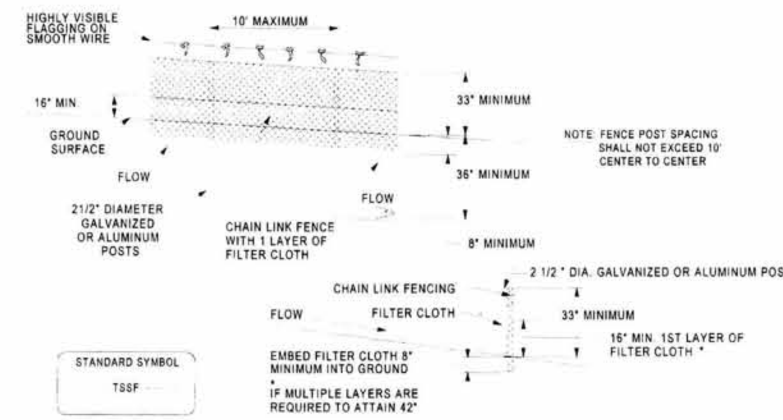


CONSTRUCTION FENCE FOR TREE PROTECTION
NOT TO SCALE

Residences at Olde Town
Specimen Tree Removal List

Note: Trees were tagged with a metal tag corresponding to the numbers below. Tags were placed approximately 5' from the ground with colored flagging attached. Tree locations were located by survey or field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Disposition
1	Silver Maple	*Acer saccarinum*	38	Remove
2	Silver Maple	*Acer saccarinum*	35	Remove
3	Pin Oak	*Quercus Palustris*	36	Remove
4	Pin Oak	*Quercus Palustris*	31	Remove
7	Silver Maple	*Acer saccarinum*	42	Remove
9	Silver Maple	*Acer saccarinum*	27	Remove
10	Silver Maple	*Acer saccarinum*	26	Remove
11	Pin oak	*Quercus Palustris*	24	Remove
12	Pin Oak	*Quercus Palustris*	24	Remove
13	Box Elder	*Acer negundo*	29	Remove



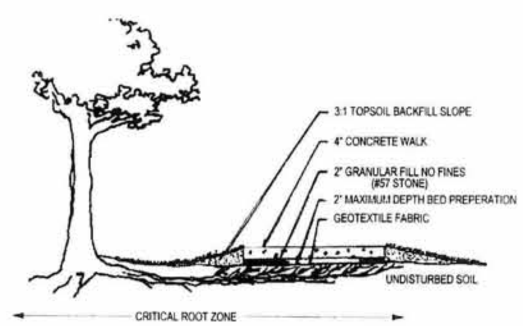
CONSTRUCTION SPECIFICATIONS

1. FENCING SHALL BE 42" IN HEIGHT AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST MARYLAND STATE HIGHWAY DETAILS FOR CHAIN LINK FENCING. THE SPECIFICATION FOR A 6' FENCE SHALL BE USED, SUBSTITUTING 42" FABRIC AND 6' LENGTH POSTS.
2. CHAIN LINK FENCE SHALL BE FASTENED SECURELY TO THE FENCE POSTS WITH WIRE TIES. THE LOWER TENSION WIRE, BRACE AND TRUSS RODS, DRIVE ANCHORS AND POST CAPS ARE NOTREQUIRED EXCEPT ON THE ENDS OF THE FENCE.
3. FILTER CLOTH SHALL BE FASTENED SECURELY TO THE CHAIN LINK FENCE WITH TIES SPACED EVERY 24" AT THE TOP AND MID SECTION.
4. FILTER CLOTH SHALL BE EMBEDDED A MINIMUM OF 8" INTO THE GROUND.
5. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6" AND FOLDED.
6. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND SILT BUILDUPS REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE, OR WHEN SILT REACHES 50% OF FENCE HEIGHT.
7. FILTER CLOTH SHALL BE FASTENED SECURELY TO EACH FENCE POST WITH WIRE TIES OR STAPLES AT TOP AND MID-SECTION AND SHALL MEET THE FOLLOWING REQUIREMENTS FOR GEOTEXTILE CLASS F:

TENSILE STRENGTH	50 LBS/IN (MIN.)	TEST: MSMT 509
TENSILE MODULUS	20 LBS/IN (MIN.)	TEST: MSMT 509
FLOW RATE	0.3 GAL/FT /MINUTE (MAX.)	TEST: MSMT 322
FILTERING EFFICIENCY	75% (MIN.)	TEST: MSMT 322

8. COMBINE SEDIMENT CONTROL AND PROTECTIVE DEVICE.
9. RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS.
10. BOUNDARIES OF RETENTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
11. ROOT DAMAGE SHOULD BE AVOIDED.
12. PROTECTIVE SIGNAGE IS REQUIRED.
13. ALL STANDARD MAINTENANCE FOR SEDIMENT CONTROL DEVICES APPLY TO THESE DETAILS.

TREE SAVE / SUPER SILT FENCE
NOT TO SCALE



CONCRETE WALK OVER CRITICAL ROOT ZONE
NOT TO SCALE

Loiederman Soltesz Associates, Inc.
Engineering
Planning
Surveying
Environmental Sciences
ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067
Rockville
Lanham
Frederick
Waldorf
Leonardtown
Chantilly
www.LSAssociates.net

3	BUILDING FOOTPRINT MODIFIED	TH	04/18/08
2	REVISED PER CITY OF GAITHERSBURG REVIEW	TH	03/25/08
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	TH	10/25/07

SEPTEMBER 2007 MICROSTATION V8 STD. 2000
JDC JDC SPT/TP

19 E9
FT 341 PROPOSED CBD
223 NW 10

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

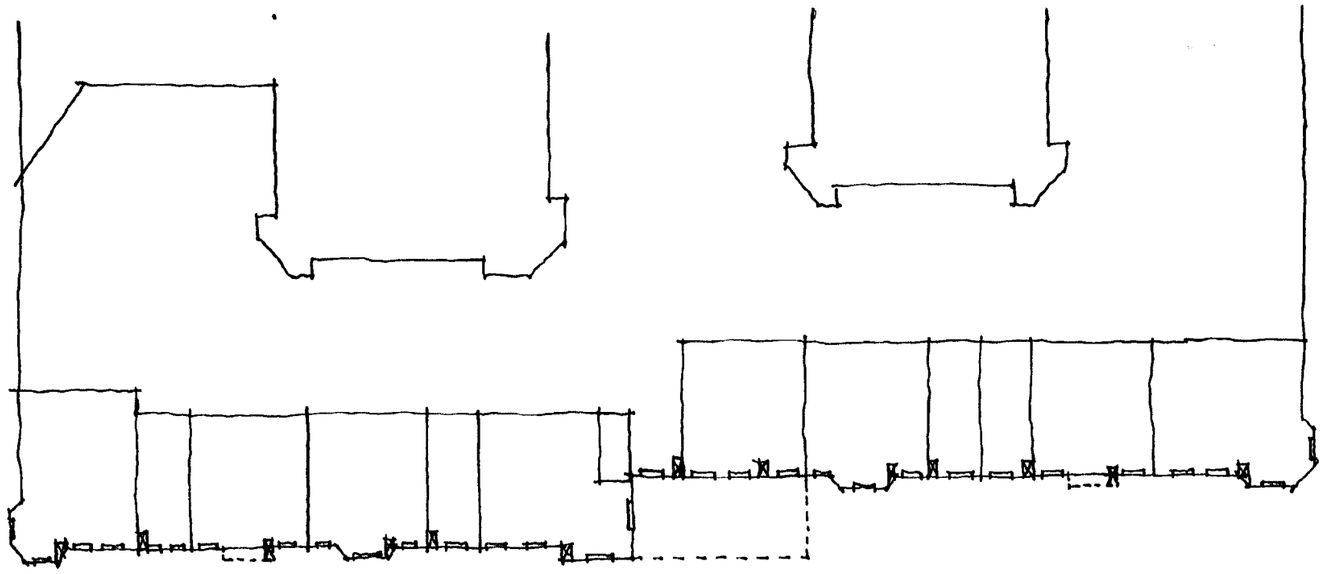
PRELIMINARY FOREST CONSERVATION DETAILS

RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

30'
SHEET 2 OF 2
PROJECT NO. 2990-02-00

P:\2990\02\00\PRELIPreFCP 02.sht



Elevation Concept - Front

February 05, 2008

NOT FOR CONSTRUCTION

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DVA
DONNALLY VUJCIC ASSOCIATES, L.L.C.
architecture ■ planning ■ interiors
400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM

KEYSTONE
103 Leckes Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
SERVICE RD
GAITHERSBURG, MARYLAND 20877
Concept Elevation

REVISIONS
Conceptual Review

ISSUED
CONCEPT PLAN SUBMISSION
FEBRUARY 2008

DRAWN | CHECKED
DVA JOB NO
A 4002 A

DRAWING

S

SHEET

PENGAD 800-631-6989

JOINT EXHIBIT
#14
Z-308(O)
80-18-4

Elevation Concept - West Diamond Ave.

February 05, 2008

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400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM

KEYSTONE...
103 Leckes Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
GAITHERSBURG, MARYLAND 20877

Concept Elevation

REVISIONS
Conceptual Review

ISSUED
CONCEPT PLAN SUBMISSION
FEBRUARY 2008

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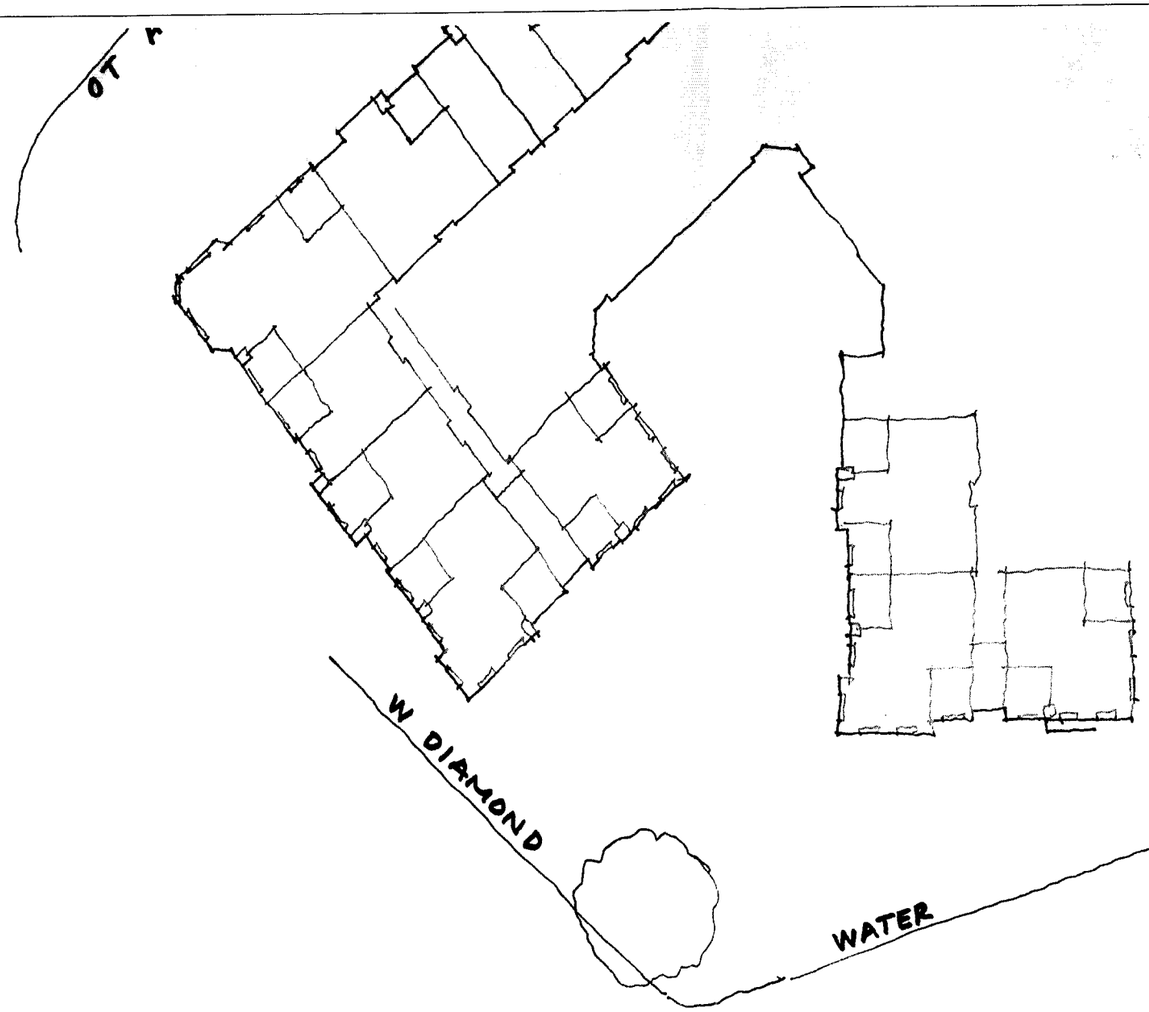
	FL

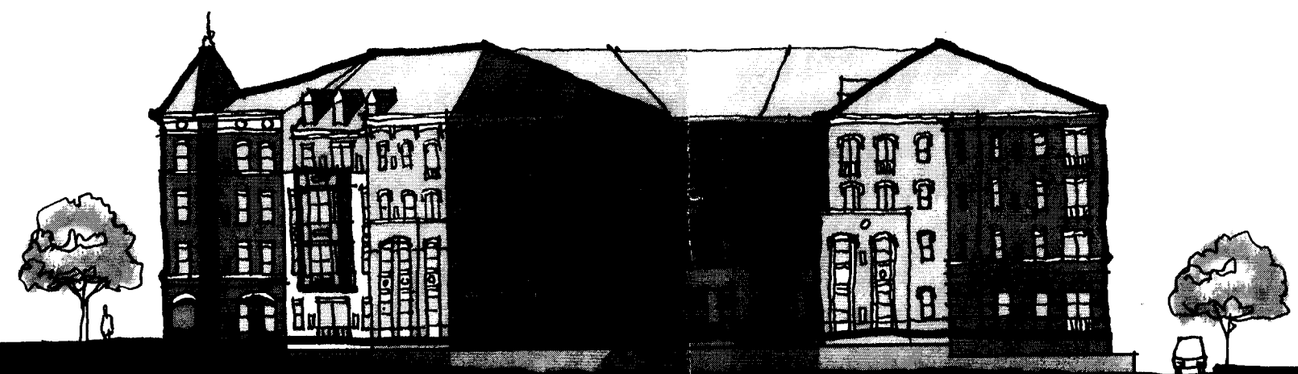
DVA JOB NO
A 40302 x

DRAWING

SK-2

SHEET _ OF ___





Elevation Concept - Water Street

February 05, 2008

NOT FOR CONSTRUCTION

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architecture ■ planning ■ interiors
400 Professional Drive ■ Suite 200 ■ Gaithersburg, Maryland 20879-3433
301-590-8900 ■ Fax 301-590-8620 ■ EMAIL: DVA-ARCH.COM

KEYSTONE
103 Leekes Lot Way
Gaithersburg, MD 20878

RESIDENCES AT OLDE TOWNE
GAITHERSBURG, MARYLAND 20877

Concept Elevation

REVISIONS
Conceptual Review

ISSUED
CONCEPT PLAN SUBMISSION
FEBRUARY 2008

DRAWN	CHECKED
	FL

DVA JOB NO
A 40302 A

DRAWING

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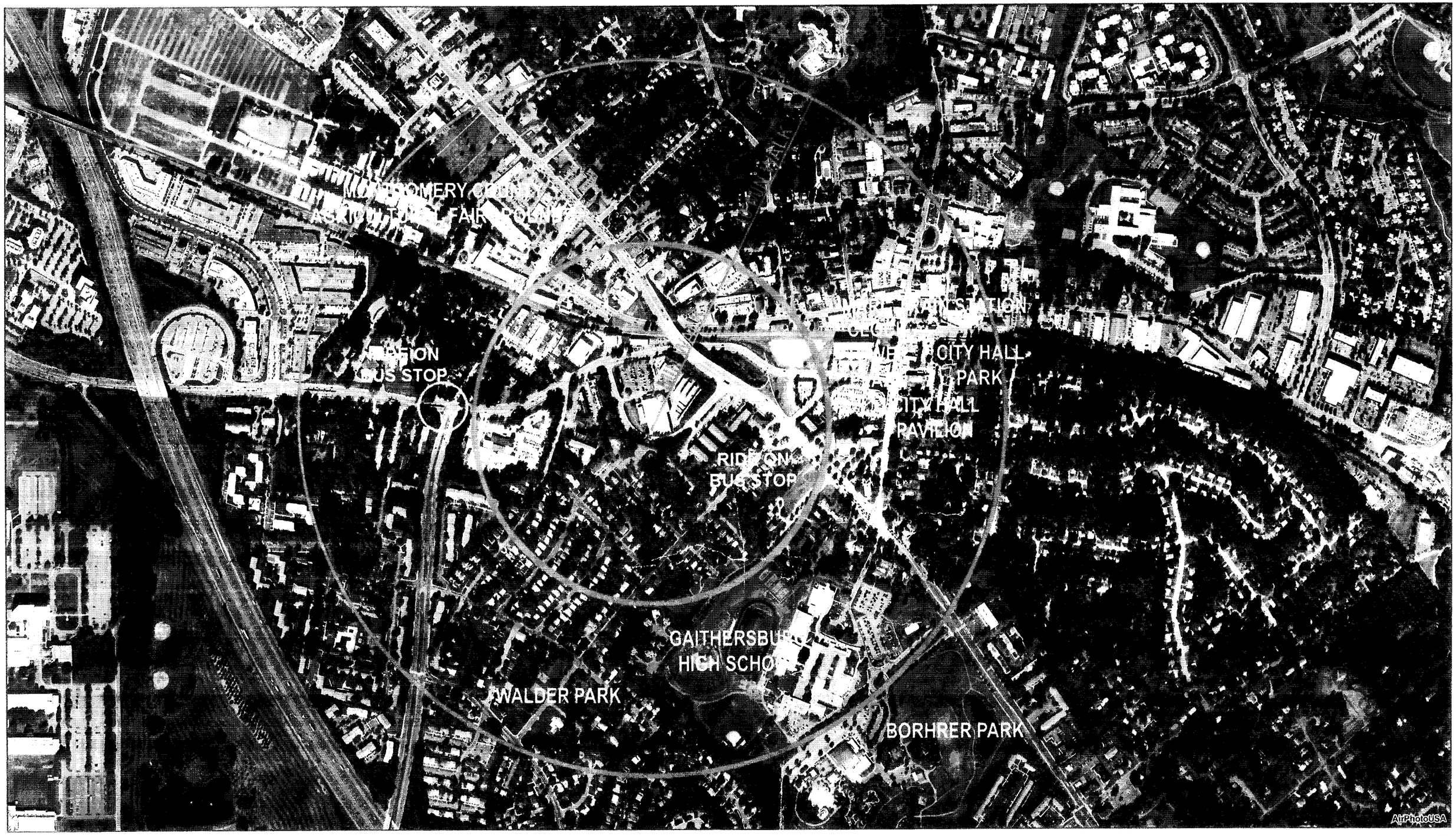
SHEET ___ OF ___



N
W E
S

1 inch equals 300 feet

The information, data, photographs, and/or drawings ("information") contained herein are based, in part, on Geographic Information Systems ("GIS") software and content. GIS data is known to be inaccurate and approximate compared to survey data obtained through prevailing survey practices, particularly with respect to horizontal and vertical locations and dimensions. The user is cautioned to verify all data pursuant to accepted surveying and engineering practices.

Loiederman Soltesz Associates, Inc. shall not be responsible or liable for loss, damage, claims, damages or any consequences, whether foreseeable, unforeseeable, direct, indirect, or consequential, arising out of the use, adaptation, or modification of the information. USE AT YOUR OWN RISK.

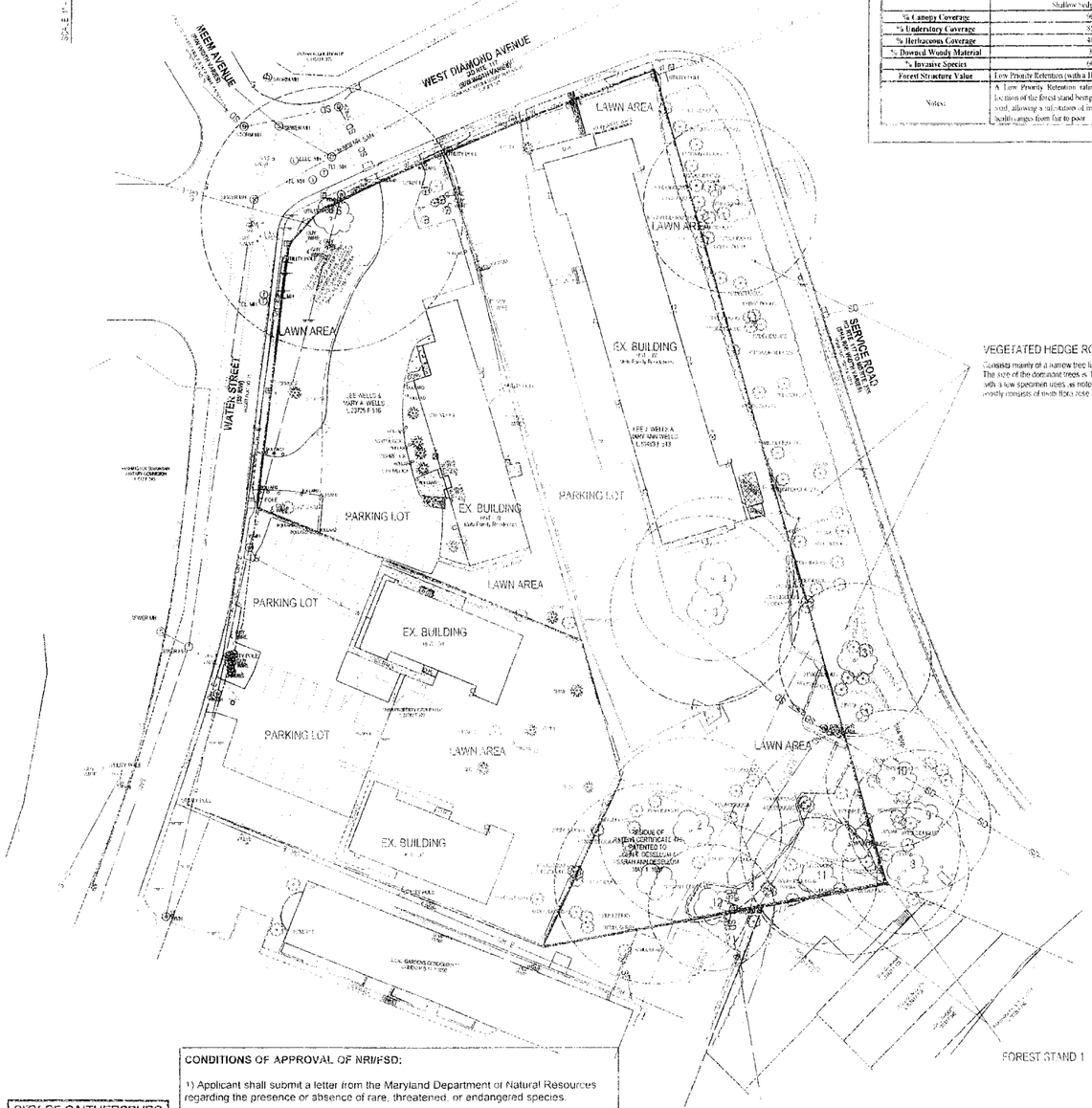
RESIDENCES AT OLDE TOWNE

TOWN OF GAITHERSBURG

600 300 0 600 Feet

Loiederman Soltesz Associates, Inc.
2 Research Place Rockv
p. 301-948-2750 f. 3

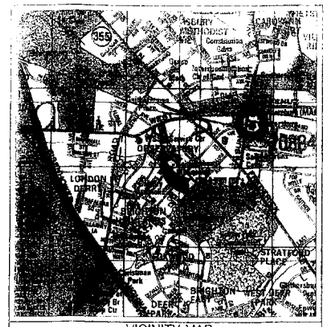
JOINT EXHIBIT
H16
PENGAD 800-631-6989



Specimen Tree List

Note: Tree locations were located by field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Remarks / Condition
1	Silver Maple	*Acer saccarinum*	36	Fair, DBH est. due to poison ivy
2	Silver Maple	*Acer saccarinum*	35	Poor, 1 dead lead & other lead shows extensive decay
3	Pin Oak	*Quercus Palustris*	36	Good
4	Pin Oak	*Quercus Palustris*	31	Good
5	Black Gum	*Nyssa Sylvatica*	33	Fair
6	White Oak	*Quercus alba*	30	Good
7	Silver Maple	*Acer saccarinum*	32	Fair, multi-lead
8	Pin Oak	*Quercus Palustris*	24	Good
9	Silver Maple	*Acer saccarinum*	27	Good, DBH est. due to heavy vines around base
10	Silver Maple	*Acer saccarinum*	26	Good
11	Pin oak	*Quercus Palustris*	24	Fair
12	Pin Oak	*Quercus Palustris*	24	Good
13	Box Elder	*Acer negundo*	29	Fair



VICINITY MAP
SCALE 1"=2000'

AOC Permitted Use #20611199

Soils Chart

Table 1. Residences at Olde Towne Soil Types
US Soil Survey of Montgomery County, MD, 2005

SOIL TYPE	SLOPE	DESCRIPTION
2B—Glenelg Silt Loam	3 - 8% Slopes	Prime farmland. This soil is well drained. The slowest permeability within 60 inches is moderate. Available water capacity is very high and shrink swell potential is low. This soil is not flooded and is not ponded. The water table is deeper than 6 feet. Capability class is 2e. This is not a hydric soil.

Table 1. Forest Stand 1 Summary

STAND VARIABLES	STAND # 1 — ACRES: 0.08 acre (3,588 sq. ft.)
Forest Type	Association Mixed Hardwood Forest
Overall Dominant Size Class	12-19" DBH in dead area
Dominant Trees (non-native species in bold)	Pin Oak and Silver Maple
Common Trees	Sycamore, Red Maple, Cherry
Common Understory and Herbaceous Species (non-native species are in bold)	Box Elder, Red Maple seedlings, Box Elder seedlings, Black Cherry seedlings, Spicebush, Greenbrier, Grapevine, Poison ivy, **Multiflora Rose**, Pokeweed, **Japanese Honeysuckle Vine**, Poison ivy, Jewelweed, Cooper, soft Grass, Mayapple, Virginia Creeper, Christmas Fern, Enchanter's Nightshade, Arrowhead, Shallow sedge, English Ivy
% Canopy Coverage	90%
% Understory Coverage	35%
% Herbaceous Coverage	40%
% Downed Woody Material	3%
% Invasive Species	60%
Forest Structure Value	Low Priority Retention (with a High Disturbance rating)
Notes:	A Low Priority Retention rating is given to FS 1 due to the location of the forest stand being surrounded by developments and road, allowing a fragmentation of habitats. The quality of stand and health ranges from fair to poor.

LEGEND

DESCRIPTION	SYMBOL
BOUNDARY	
EX. TREELINE	
CABLE/ELECTRIC/TELEPHONE MANHOLE	
CABLE/ELECTRIC/TELEPHONE VAULT	
SIGN (SINGLE POST/DOUBLE POST)	
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	GUY
LIGHT POST	
FIRE HYDRANT	
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	
STORM DRAIN LINE WITH STORM DRAIN MANHOLE/INLET	
WATER LINE WITH WATER MANHOLE / METER / VALVE	
CURB/EDGE OF PAVEMENT W/ SIDEWALK	CONC. WALK, CONC. CURB, EDGE OF ASPHALT
FENCE (WOOD)	
RETAINING WALL	EX. RETAINING WALL
EX. BUILDING	
LAWN/GRASS AREA	
TREE (SIZE/SPECIMEN)	
SPECIMEN/SIG. TREE (ROOT ZONE)	
SOILS BOUNDARY/ SOIL LABEL	AdB2
FOREST STAND LINE	

NATURAL RESOURCES INVENTORY – GENERAL NOTES

1. **Site Description & History**
   - **Gross Tract Area: 2.14 Acres**
   - The property consists of two existing multi-family apartment building and associated parking lots and maintained lawns. A forested area consisting of shrubs and trees exists along the eastern and southern property boundary.
2. **Vegetation**
   - **Total Forested Area: 0.08 acres (3,588 sq. ft.)**
   - Where appropriate, specimen or significant trees (generally those trees ≥ 24 inches DBH or 75% of the diameter size of the currently listed State Champion for a given species) are noted on the NRI plan.
   - There are 13 specimen trees located on the property. These trees were field located.
3. **Hydrology**
   - **Watershed:** Great Seneca creek, Long Draught Branch, Use I.
   - **Wetland Area:** 0 Acres , **Forested Wetland Area:** 0
   - Evidence of ponding caused by stormwater runoff and backflow due to malfunctioning sewer drains, exists in the southeast corner of the property. At times of heavy rainfall flooding has occurred due to these malfunctions, which over time has resulted in the emergence of some hydrophilic species. No natural wetlands or streams exist on site.
   - Wetland information on this plan is from a study preformed by: ESA, Inc. dated June 27, 2007.
   - **Stream valley buffers (SVB):** 0 Acres, **Forested SVB:** 0 Acres
   - **Floodplain Area:** 0 Acres, **Forested Floodplain:** 0 Acres
4. **Topography**
   - The topography shown on this plan is from field survey, dated August 2007.
5. **Rare, Threatened or Endangered Species**
   - No rare, threatened, or endangered (RTE) species were observed during the field visit. An inquiry to the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Division was made in August 2007 requesting any information on recorded occurrences or potential for RTE species for the property and the immediate vicinity. A response has not yet been received.
6. **Historical Features**
   - **Historical Features:** No historic feature exist onsite. (Source: Location Atlas and Index of Historic Sites for Montgomery County, Maryland (MNCPPC, 1976)).
   - **Scenic/Historic Roads:** No Scenic/Historic Roads exist onsite. (Source: Designated Scenic and Historic Road list of Montgomery County, MD.)

CONDITIONS OF APPROVAL OF NRI/FSD:

1) Applicant shall submit a letter from the Maryland Department of Natural Resources regarding the presence or absence of rare, threatened, or endangered species.

2) Applicant shall submit a noise study by September 11, 2007.

3) Applicant shall submit a formal proposal to the City Manager requesting the City's support of the applicants' acquisition of the triangle shaped parcel. This proposal must outline the specific legal steps that would be needed to be undertaken for the applicant to acquire ownership of the parcel. Approval of this NRI is conditioned upon the Mayor and City Council agreeing to support this acquisition, and the acquisition being completed prior to Planning Commission approval of the Concept Site Plan.

CITY OF GAITHERSBURG
31 S. SUMMIT AVE., GAITHERSBURG, MARYLAND 20877
NRI/FSD APPROVAL
THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF
NATURAL RESOURCE INVENTORY/ FOREST STAND DELINEATION
FOR APPLICATION NO. P. 0720016
DATE 9.10.2007 BY Eli Keller

ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
T. 301.948.2750 F. 301.948.9067

Rockville
Fairfax
Frederick
Waldorf
Fountaindown
Chantilly

NO.	REVISIONS	BY	DATE
4	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	09/05/07
3	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	09/04/07
2	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/28/07
1	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/22/07

Date: 08/09/2007 | CAD Standards Version: 1/REP R

Permitted Use Number: 20611199
Drawn: GAM | Checked: ES
Field Book: FT 561 | Page: 3
Sheet: 223 NW 10
Scale: 1" = 30'
Sheet 1 of 1
Project No.: 20000.06.06

KEN BROWN
MARYLAND FOREST CONSERVATION ACT 1991

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

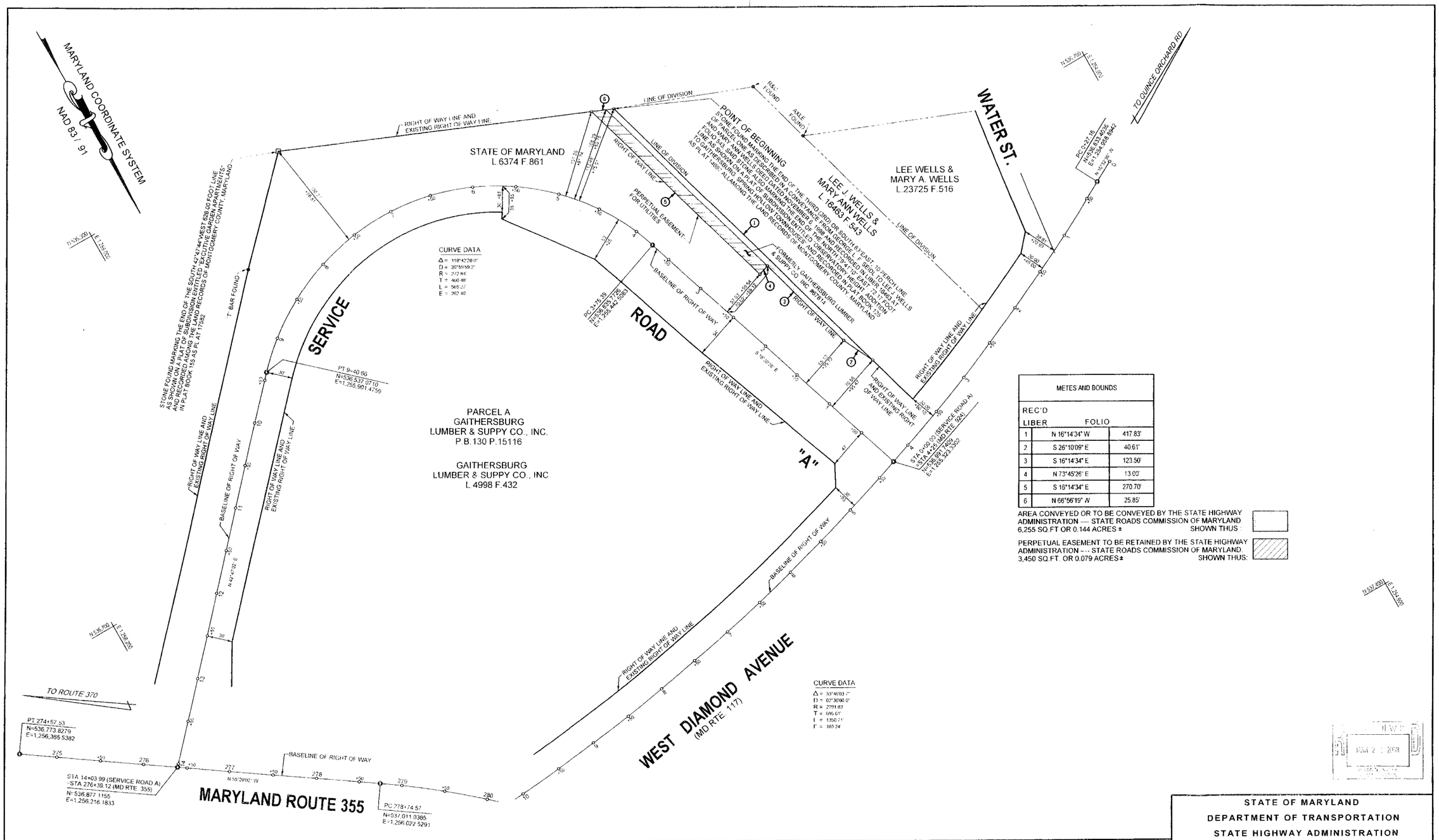
NATURAL RESOURCE INVENTORY
FOREST STAND DELINEATION

RESIDENCES AT OLDE TOWNE
PHASE 2
9TH ELECTION DISTRICT · GAITHERSBURG

1" = 30'
SHEET 1 OF 1
PROJECT NO.

PENGAD 800-631-6989

JOINT EXHIBIT #34
Z-308(o)



METES AND BOUNDS		
REC'D LIBER	FOLIO	
1	N 16°14'34" W	417.83'
2	S 26°10'09" E	40.61'
3	S 16°14'34" E	123.50'
4	N 73°45'26" E	13.00'
5	S 16°14'34" E	270.70'
6	N 66°56'19" W	25.85'

AREA CONVEYED OR TO BE CONVEYED BY THE STATE HIGHWAY ADMINISTRATION — STATE ROADS COMMISSION OF MARYLAND.
6,255 SQ.FT OR 0.144 ACRES ± SHOWN THUS:

PERPETUAL EASEMENT TO BE RETAINED BY THE STATE HIGHWAY ADMINISTRATION — STATE ROADS COMMISSION OF MARYLAND.
3,450 SQ.FT. OR 0.079 ACRES ± SHOWN THUS:

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE CORRECT AND ARE BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION, AND THE RECORD DESCRIPTIONS THEREOF, AND THAT THIS PLAT MEETS THE REQUIREMENTS AS CONTRACTED FOR BY THE MARYLAND DEPARTMENT OF TRANSPORTATION — STATE HIGHWAY ADMINISTRATION.

KENNETH L. DYE DATE
PROPERTY LINE SURVEYOR
MARYLAND REG. NO. 556

LEGEND
- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES
- REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON PLAT
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED ON THIS PLAT
- PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT (ARROW INDICATES GENERAL DRAINAGE PATTERN)
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND
- APPROXIMATE GENERAL DRAINAGE FLOW PATTERN

(NOT TO SCALE FOR EXPLANATORY PURPOSE ONLY)

SENT TO RECORD OFFICE _____ 20____
APPROVED BY CHAIRMAN _____ 20____

BOOKS	REVISIONS	PART OF PLATS
17992		48219
17993		48217
18030		
18304		
18316		
19002		
20573		
21-507		

LOCATED IN MONTGOMERY COUNTY
PREPARED BY LOIEDERMAN SOLTESZ ASSOCIATES, INC.
KENNETH L. DYE
PLAT ENGINEER

CONSTRUCTION PROJECT. MD ROUTE 355 (FREDERICK AVE.) FROM SOUTH SUMMIT AVE. TO CHESTNUT ST.

CONSTRUCTION PROJECT NO. M-733-101-371

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: SERVICE RD. FROM W. DIAMOND AVE. (MD RTE. 117) TO MD RTE. 355
RIGHT OF WAY PROJECT NO. M-733-301-371
FEDERAL AID PROJECT NO.
ISSUED 20 SCALE: 1" = 50'
CHIEF, PLATS AND SURVEYS DIVISION PLAT No. 57622

COMPILED BY SERVER \DIRECTORY \FN DGN
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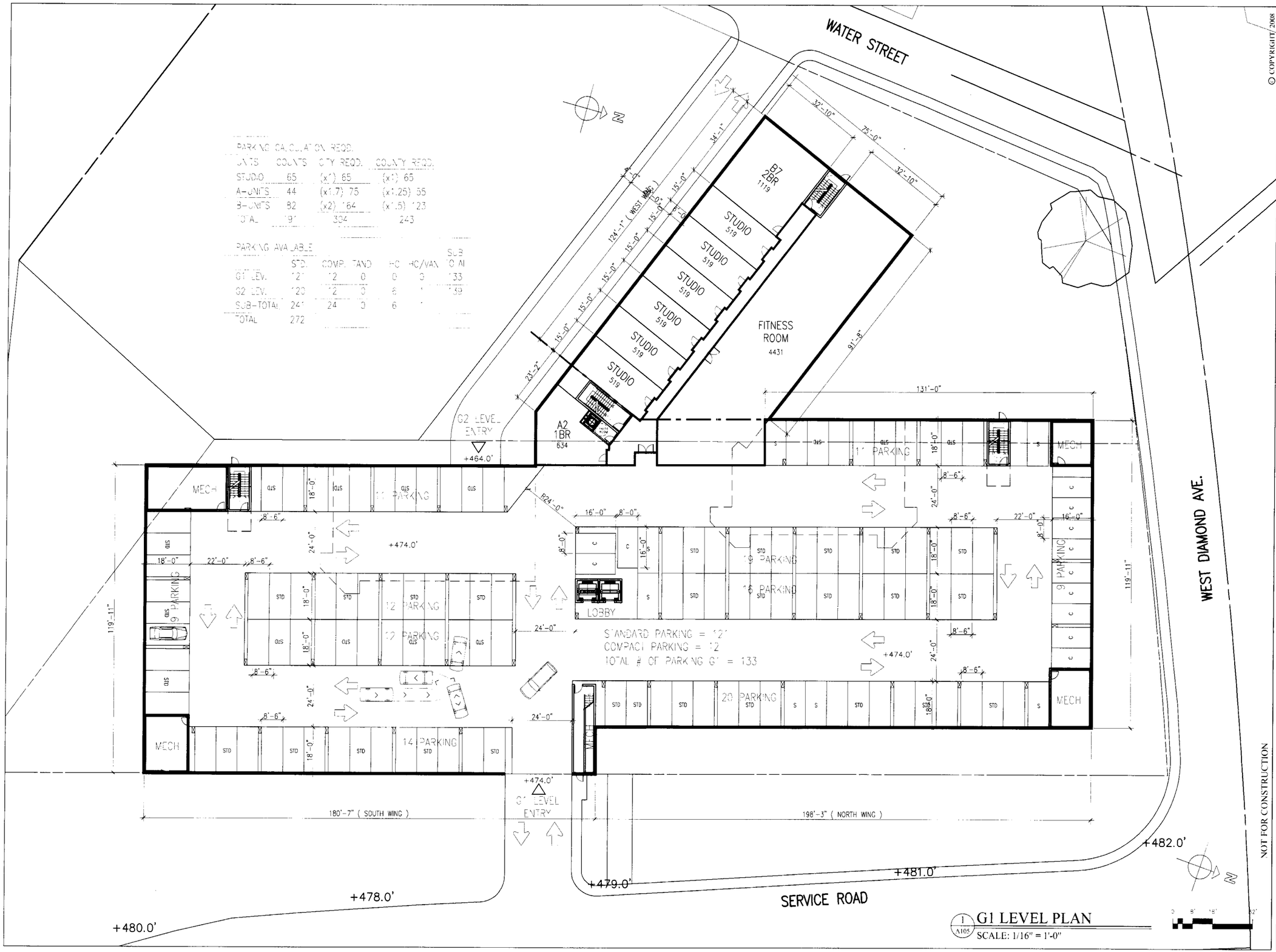
4-21-08



1 A105 G1 LEVEL PLAN
SCALE: 1/16" = 1'-0"

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G1 LEVEL PLAN

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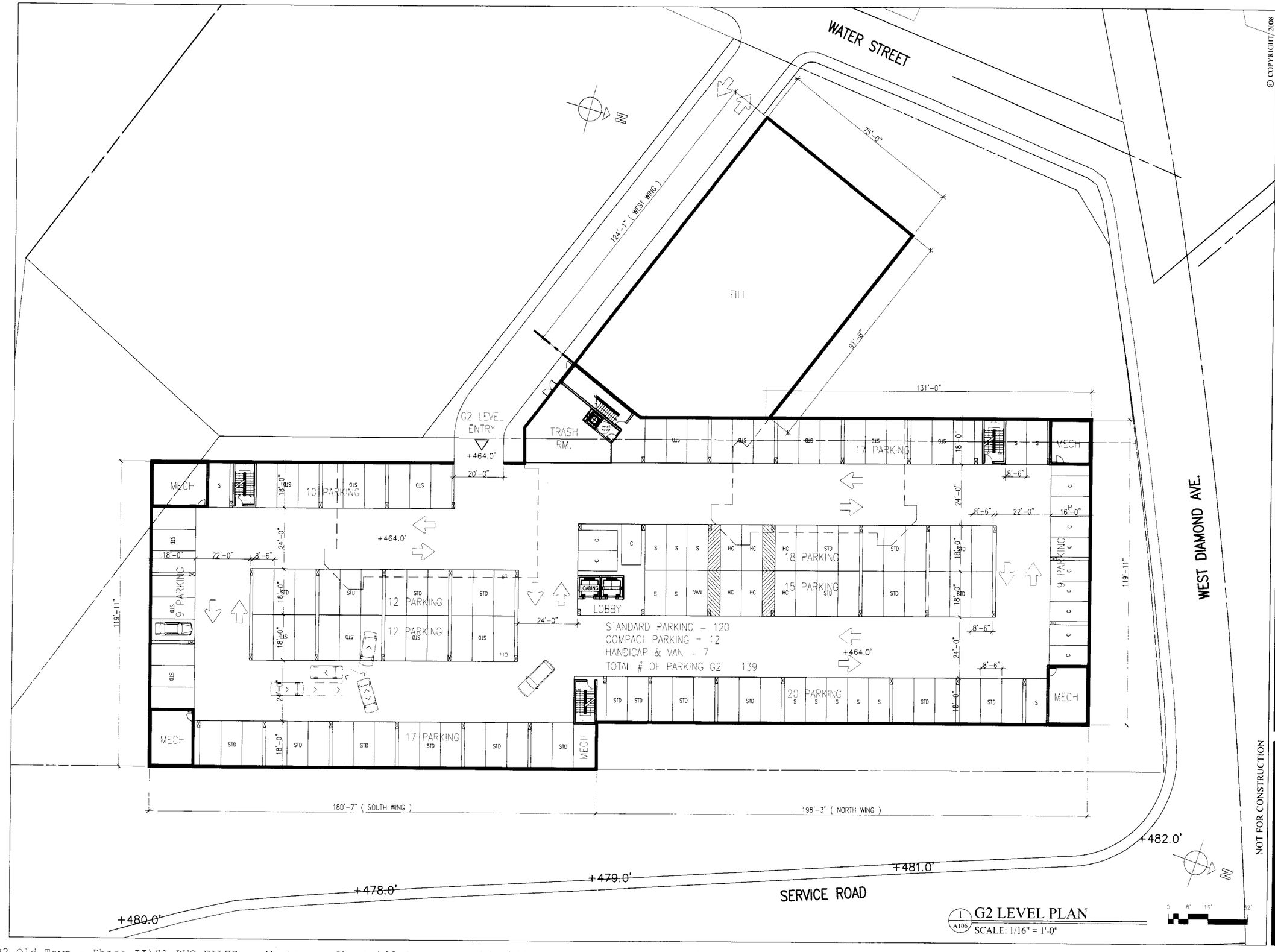

1 A106 G2 LEVEL PLAN
SCALE: 1/16" = 1'-0"

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G2 LEVEL PLAN

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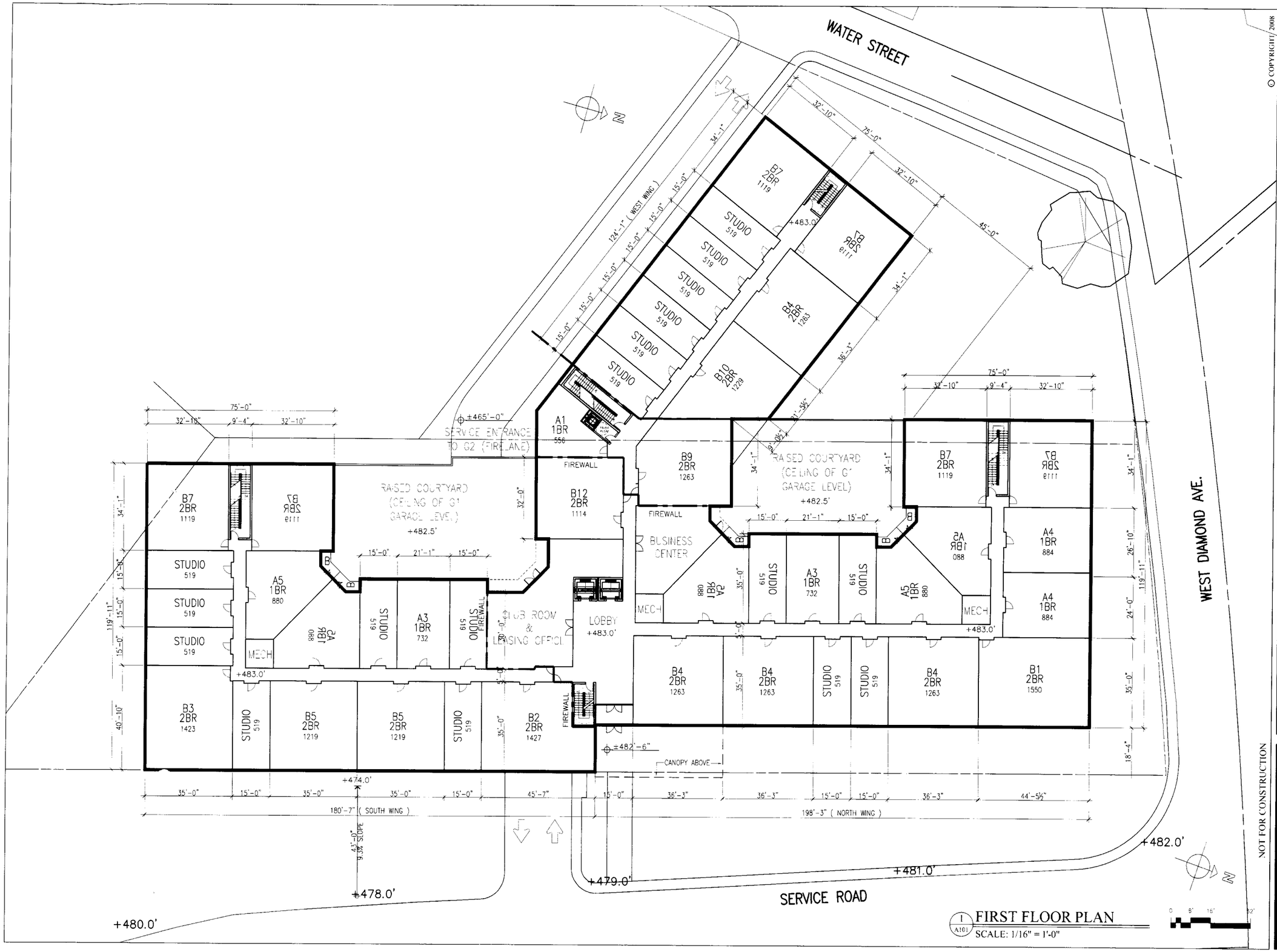

1 A101 FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

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GROUND FLOOR PLAN

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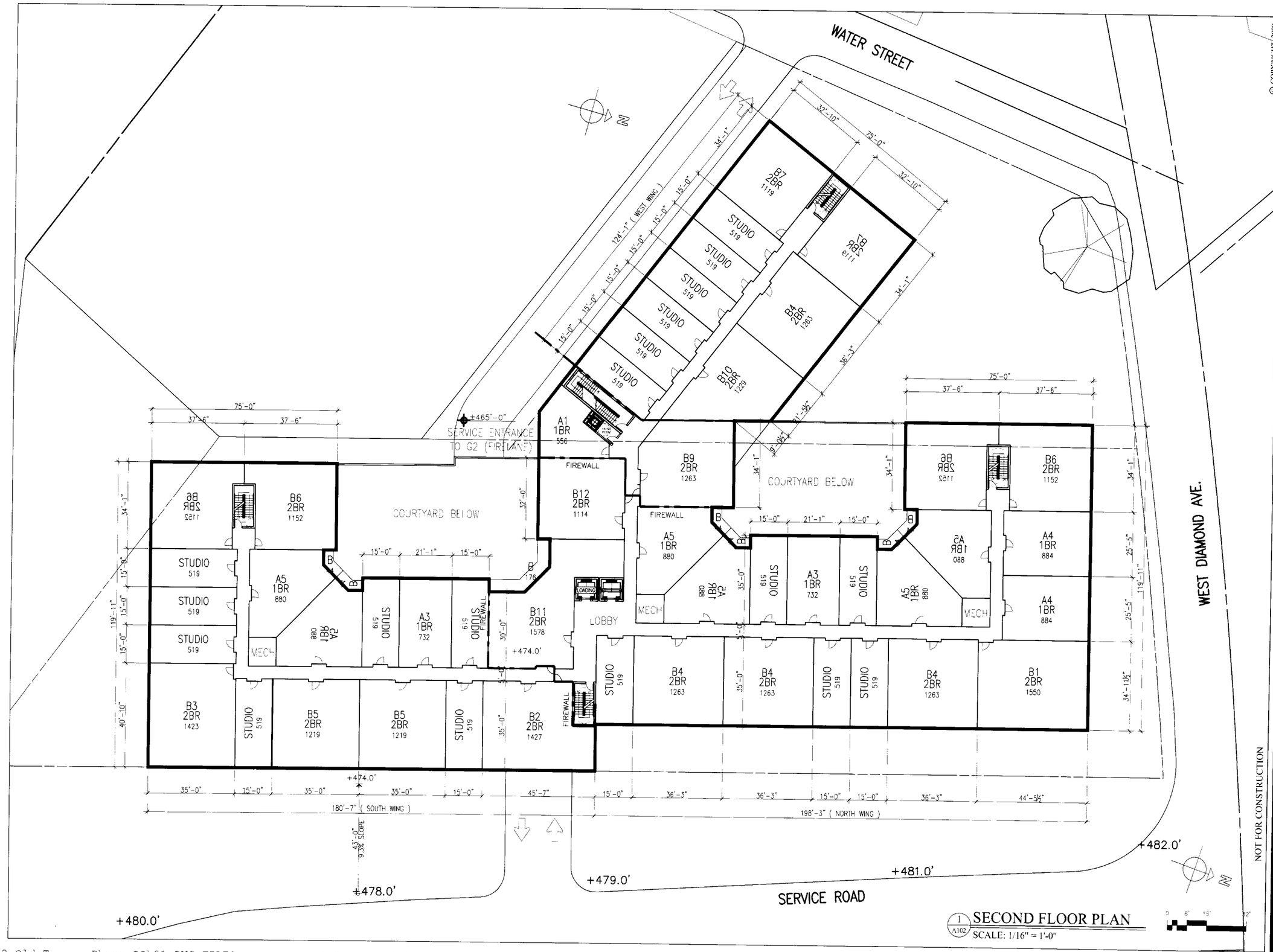

1 A102 SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

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RESIDENCES AT OLDE TOWNE

SERVICE ROAD
GAITHERSBURG, MARYLAND 20877

SECOND FLOOR PLAN

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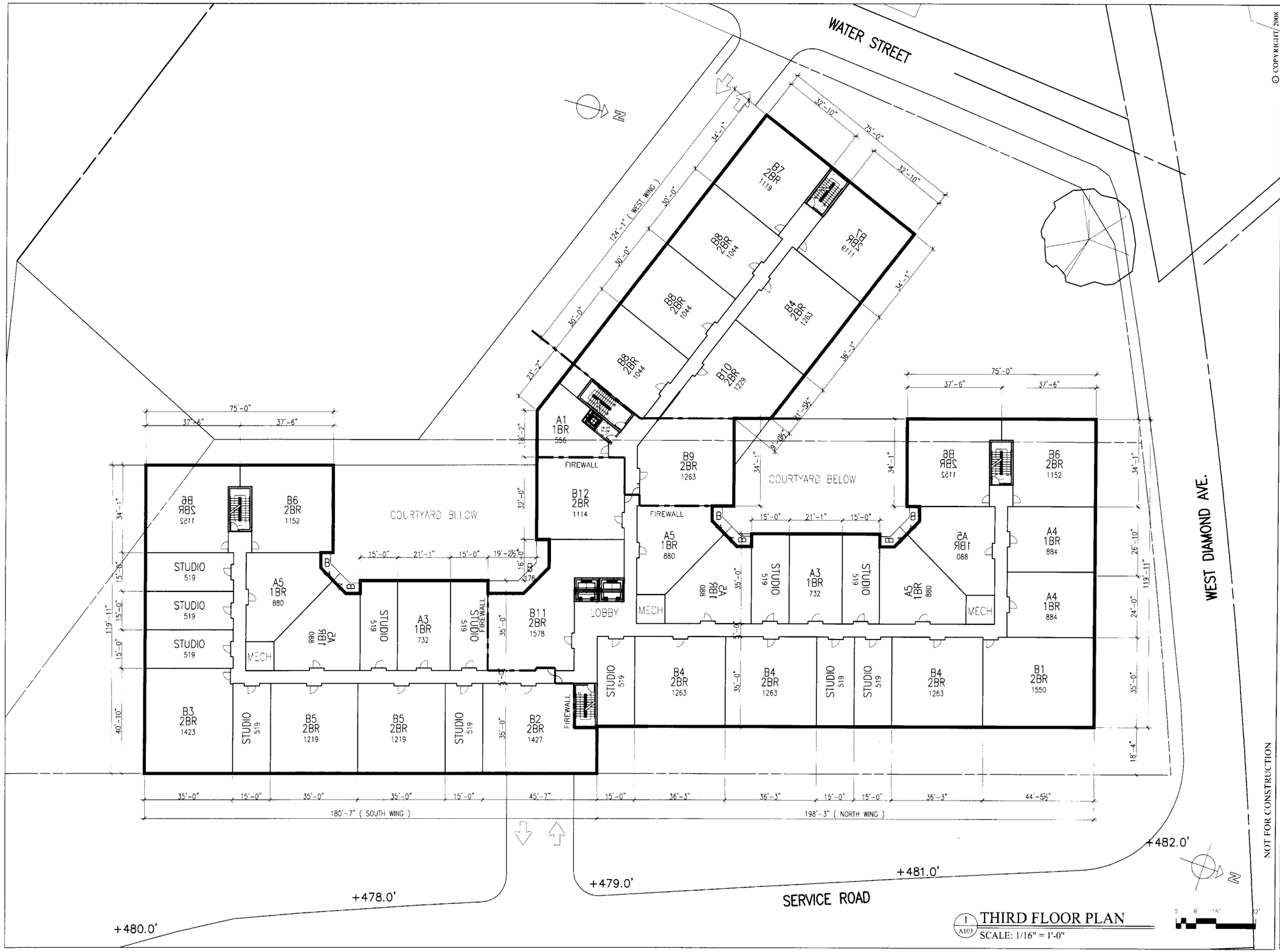

1 A103 THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"

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THIRD FLOOR PLAN

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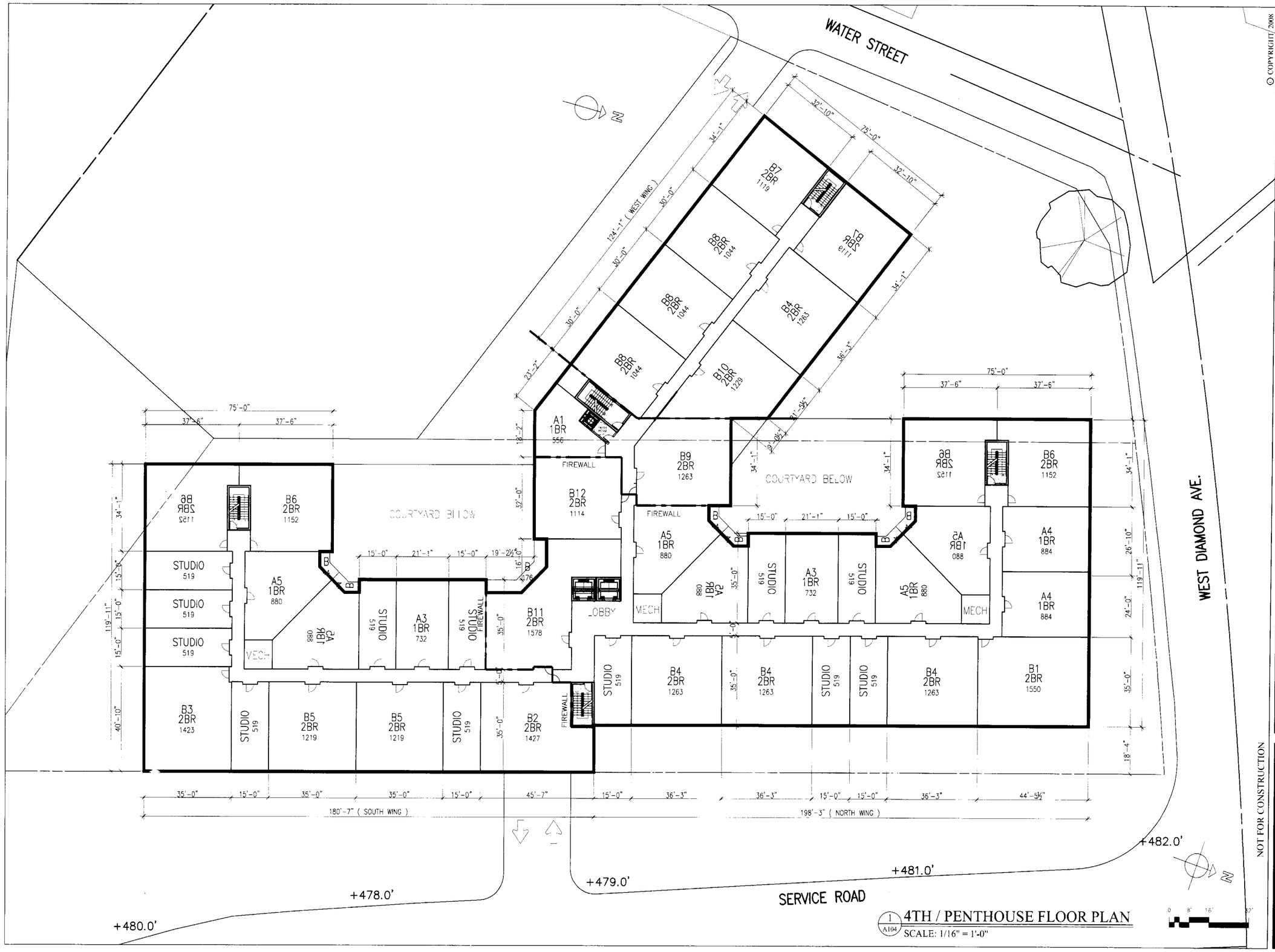

1 A104 4TH / PENTHOUSE FLOOR PLAN
SCALE: 1/16" = 1'-0"

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RESIDENCES AT OLDE TOWNE
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FOURTH FLOOR PLAN

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MARCH 2008

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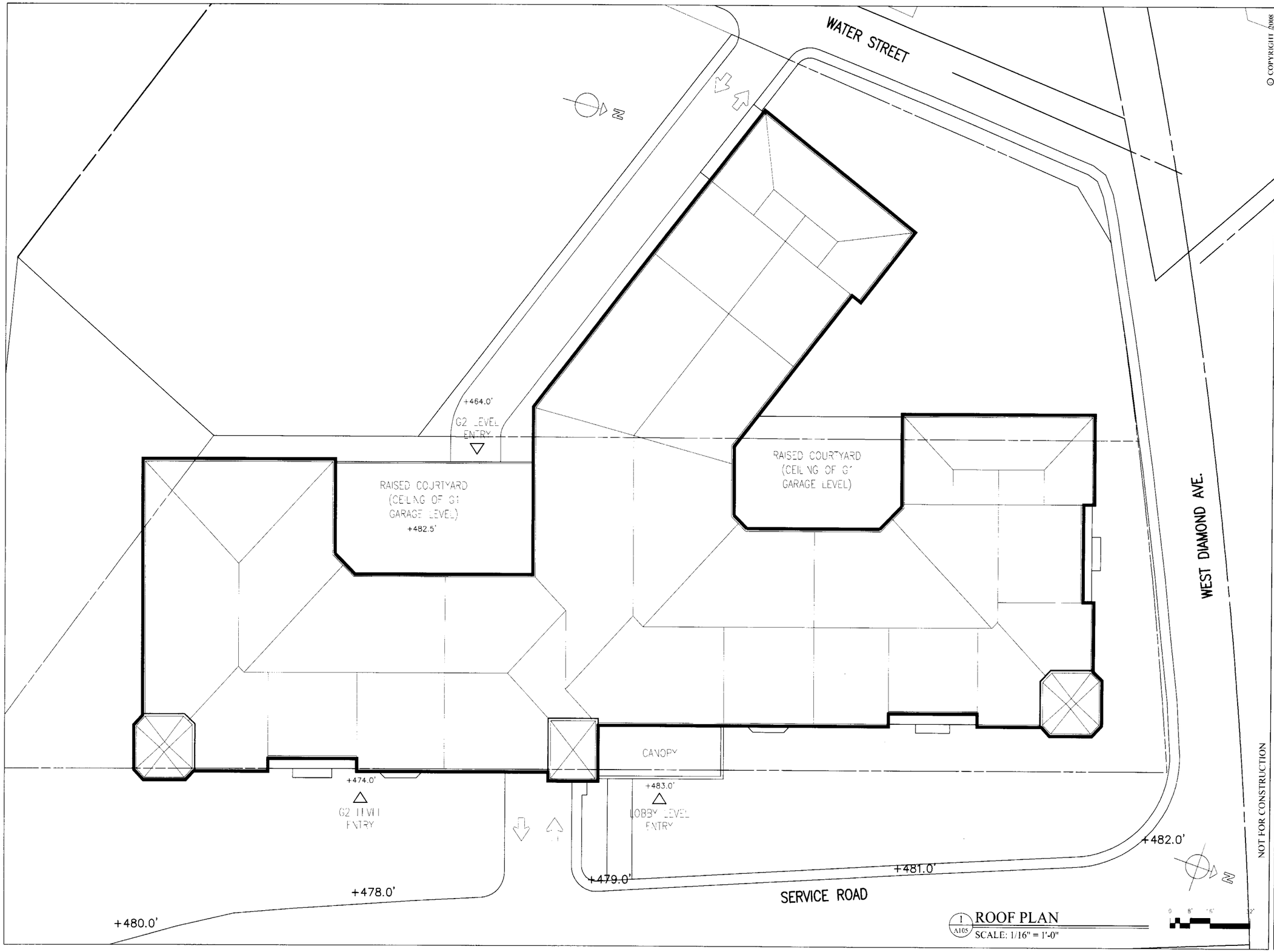

1 A105 ROOF PLAN
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ROOF PLAN

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MARCH 2008

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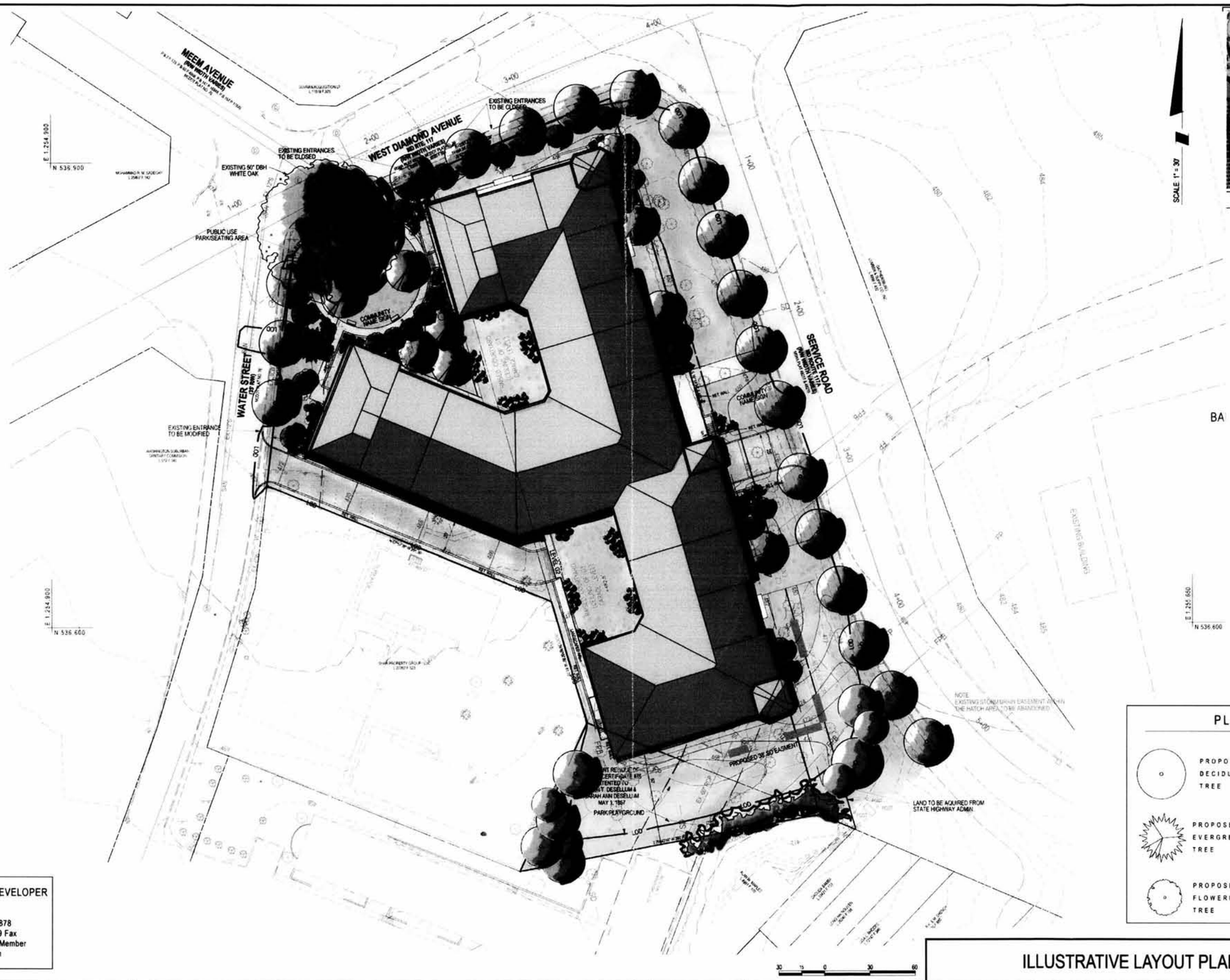

VICINITY MAP
SCALE 1"=2000'

PLANT KEY

- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED FLOWERING TREE
- PROPOSED EVERGREEN SHRUB (LARGE & SMALL)
- PRPOSED DECIDUOUS SHRUB (LARGE & SMALL)

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

ILLUSTRATIVE LAYOUT PLAN

Loiederman Soltesz Associates, Inc.

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Rockville, MD 20850
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3	REVISED PER CLIENT COMMENTS	TH	03/04/08
2	REVISED PER CITY OF GAITHERSBURG REVIEW	TH	02/26/08
1	ENTRANCE REVISION TO STATE HIGHWAY ACCESS ROAD	TH	10/25/07

SEPTEMBER 2007
JDC JDC SPT/TP
MICROSTATION V8 STD. 2000

19	E9
FT 341	PR. CBD
223 NW 10	

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RESIDENCES AT OLDE TOWNE

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

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JOINT EXHIBIT
#48
Z-308(O)
4-21-08

1 SK01 PERSPECTIVE
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KEYSTONE...
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RESIDENCES AT OLDE TOWNE
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GAITHERSBURG, MARYLAND 20877
PERSPECTIVE

REVISIONS

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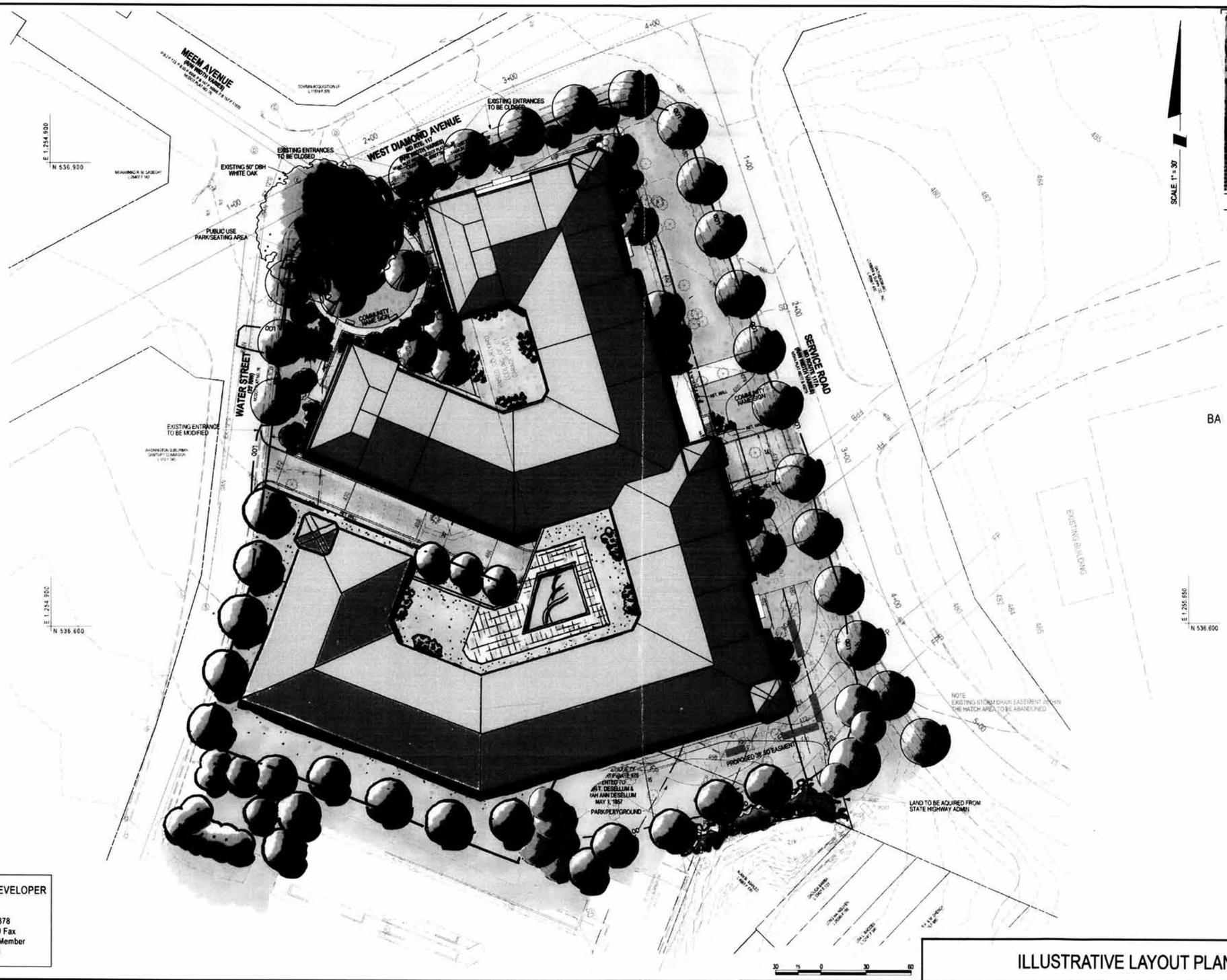
Z-308(O)
4-21-08



VICINITY MAP
SCALE 1"=2000'

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
Gaithersburg, Maryland 20878
301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

JOINT EXHIBIT
#60(a)
Z-308(O)
4-21-08
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ILLUSTRATIVE LAYOUT PLAN

RESIDENCES AT OLDE TOWNE WITH SHAH PROPERTY- OPT A

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

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April 2008

19	E9
FT 341	PR. CBD
223 NW 10	

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1" = 30'

SHEET 1 OF 1

PROJECT # 2990-02-00

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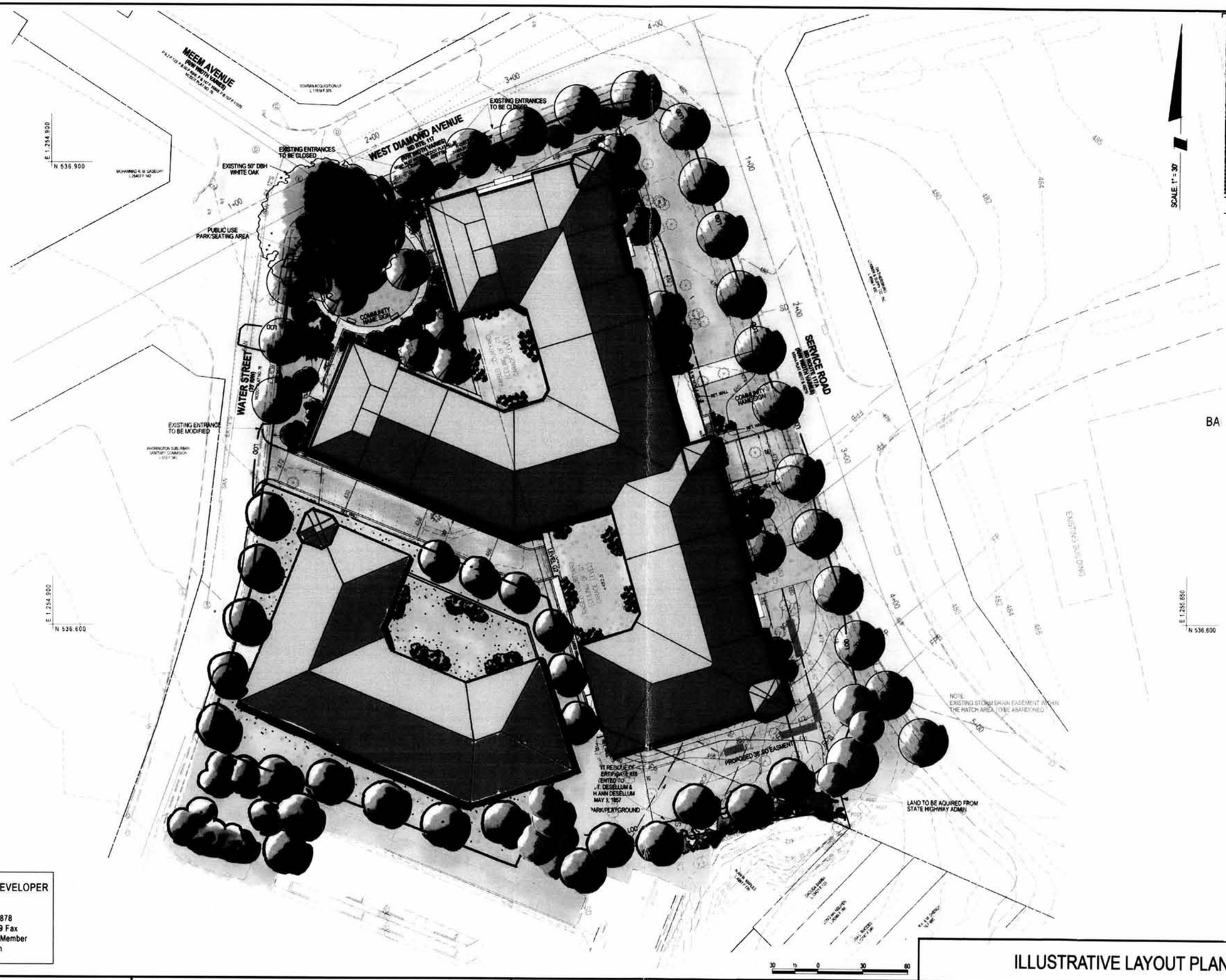

CONTRACT PURCHASER / DEVELOPER
KEYSTONEREI
103 Leekes Lot Way
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301.840.5424, 301.840.5859 Fax
Attn: Richard Koch, Managing Member
rkoch@keystonerei.com

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April 2008

19	E9
FT 341	PR. CBD
223 NW 10	

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ILLUSTRATIVE LAYOUT PLAN

RESIDENCES AT OLDE TOWNE WITH SHAH PROPERTY- OPT B

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

1" = 30'

SHEET 1 OF 1

PROJECT # 2990-02-00

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CPC FORM

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Jacqueline Marsh, Planner

DATE: May 21, 2008

SUBJECT: Staff Analysis Z-308(o)- This application requests rezoning of 2.1416 acres of land from R-20 (Medium Density Residential) to CBD (Central Business District) in accordance with §24-196 (Map Amendments) and §24-198 (Optional Method) of the City Code. The property is located at 1 Water Street and 49 West Diamond Avenue, and is commonly known as Diamond House and Diamond Acres (Parcels 184 & 185). The applicant is requesting schematic development approval for a 191-unit multiple-family building with structured parking.

APPLICANT

Keystone Real Estate Investments, LLC
103 Leekes Lot Way
Gaithersburg, MD 20878

PROPERTY OWNERS

Lee and Mary Wells
11505 Pleasant Meadow Drive
North Potomac, MD 20878

REQUEST

The applicant, Keystone REI, is requesting to rezone 2.14 acres of land, located at 1 Water Street and 49 West Diamond Avenue (Parcels 184 & 185), in the City of Gaithersburg, from the existing R-20 (Medium Density Residential) to CBD (Central Business District), in accordance with §24-196 (Map Amendments) and §24-198 (Optional Method) of the City

Code. The applicant is requesting schematic development approval for a 191-unit multiple-family building with structured parking.

BACKGROUND

A joint public hearing of the Mayor and City Council and the Planning Commission was held regarding this application on April 21, 2008. Mr. Jody Kline, counsel for the applicant, introduced the application for rezoning. Mr. Stephen Tawes, of Loiderman Soltesz Associates, gave a description of the site; Mr. Patrick Casey, of Donnally Vujcic Associates, described the proposed architecture for the project; and Mr. Rich Koch, of Keystone REI, the applicant, answered questions of the Council and Commission as they related to grades, access entrance, forest conservation, density, and green space. There were three speakers from the public.

The Mayor and City Council announced that their record would close on June 6, 2008, at 5:00 PM. The Planning Commission announced that their record would close on May 21, 2008, at 5:00 PM.

On May 19, 2008, at the regularly scheduled Mayor and City Council meeting, three members of the Olde Towne Advisory Committee (OTAC) provided testimony in support of the plan and further encouraged the redevelopment of Olde Towne.

REQUIRED ACTIONS

Keystone REI, the applicant, is requesting a map amendment from the R-20 Zone to the CBD Zone, which is identified by §24-10A of the City Code as a floating zone. According to §24-10A(2) of the City Code:

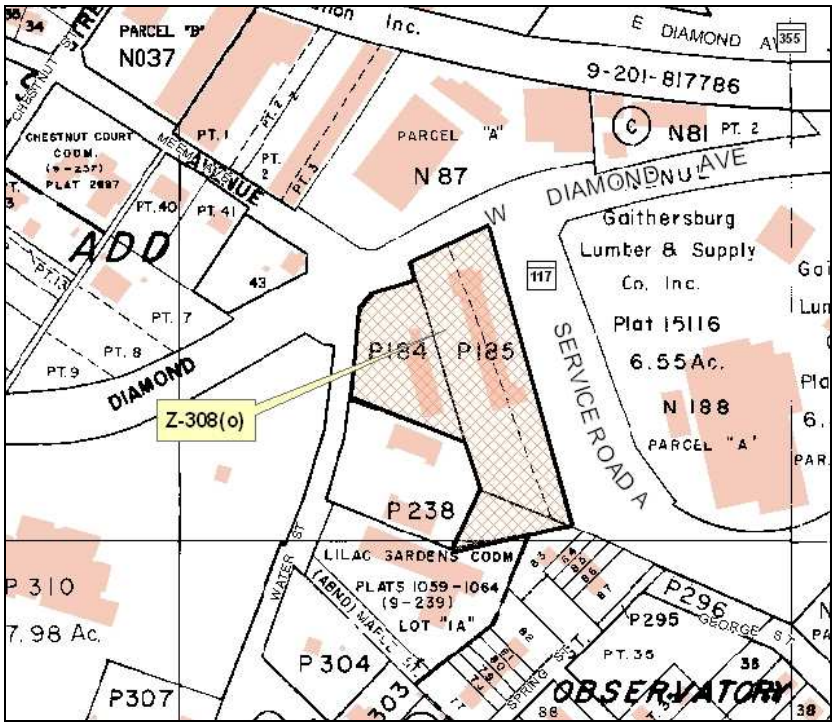
> *(2) The approval of and placement of floating zones may only occur upon a finding by the city council that the application therefore:*
>
> *(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and*
>
> *(b) As applied will compatible and harmonious with existing and planned land uses in the surrounding area.*

The applicants have the burden of showing that this application complies with the purpose and intent of the CBD Zone, as defined in §24-160F.1. ("Purpose of zone, CBD"). In addition to the oral testimony provided by the applicants' team, written testimony was entered into the record outlining the applicants' evidence to show compliance with the purpose and intent of the CBD Zone. The written testimony is Exhibit #7, the Statement of Support, Exhibit #72 the transcript of the joint public hearing, and Exhibit #64, a letter from Jody Kline, the applicant's attorney, dated May 6, 2008.

GENERAL INFORMATION

LOCATION:

The site is located at the intersection of Water Street and West Diamond Avenue. The State Highway Administration (SHA) service ramp, which leads from West Diamond Avenue to southbound Route 355, or South Frederick Avenue, is located east of the property. Two apartment buildings, Diamond House and Diamond Acres, exist and are addressed as 1 Water Street and 49 West Diamond Avenue.



Location Map

TAX MAP REFERENCE:

Tax Map: FT41

TAX ACCOUNT NUMBERS:

Parcel P184: ID# 09-00821061
P185: ID # 09-00821050

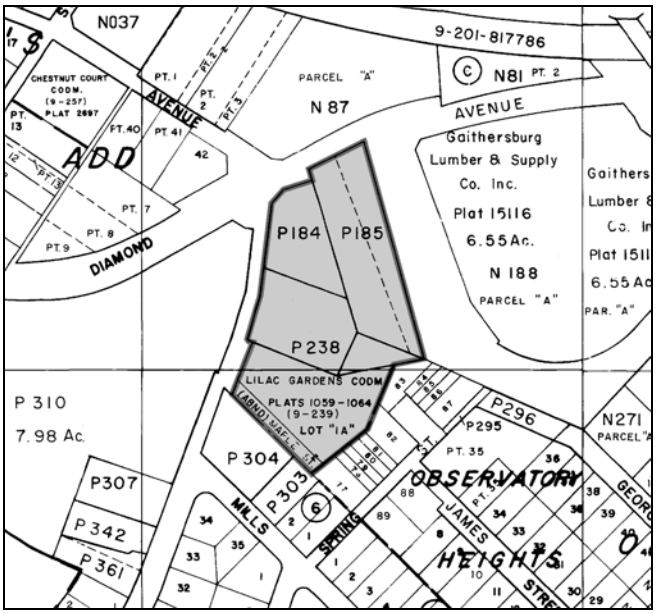
MASTER PLAN, ZONING, AND SITE PLAN HISTORY:

The property is currently located in the R-20 Zone, which was established in the 1958 Master Plan. Prior to that, the land was zoned as "A," which was the Apartment Zone. The site was not addressed in any other City Master Plan until the 2003 Master Plan.

Land Use Element of the 2003 Master Plan

The 2003 Master Plan Land Use Map designates this property as Mixed Use. The property is identified as Map Designation 9, and the Master Plan states the following:

> **"2. Designate Tax Map FT41 Parcels P184, P185, P238, Lot 1A (Lilac Gardens Condominiums), and the abandoned Maple Street as Mixed Use.**



These lots consist of Diamond Acres Apartments, Diamond House Apartments, Summit Hall Apartments, and Lilac Gardens Condominiums. There are a total of 74 apartment units and 33 condominium units on 4.49 acres of land, for a density of 23.83 units per acre and approximately 32,333 persons per square mile.

These properties should be consolidated and redeveloped as primarily medium density residential units. This area should provide a premier gateway development into downtown Gaithersburg, with the extension of West Diamond Avenue into Olde Towne.

A land use designation of mixed-use will allow for redevelopment of this area as a mixture of residential units while providing the ability to incorporate commercial and office uses in the form of live-work units or commercial buildings similar to those in Olde Towne. The commercial and office activity and higher density dwelling units

should be located adjacent to West Diamond Avenue, gradually decreasing into lower density townhouse units adjacent to the existing townhouses on Spring Street.

Land Use and Zoning Actions:

- Adopt Mixed Use land use
- Recommend Zoning change from R-20 to CBD"

The proposed rezoning application includes three out of the five parcels referenced in the Map Designation recommendation (Parcels 184 & 185, and the lot referred to as the Bermuda Triangle).

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:

Overhead aerial of the Diamond House and Diamond Acres Apartments

The 2.14-acre property consists of two rectangular apartment buildings that are situated perpendicular to West Diamond Avenue and associated parking lots and maintained lawns. The apartment buildings are located at 1 Water Street and 49 West Diamond Avenue and are named Diamond House and Diamond Acres, respectively. Directly to the south of the Diamond Acres property is an area of shrubs and trees, which is approximately 0.24 acres and is its own separate parcel. This piece of landlocked property, referred to as the "Bermuda Triangle," was recently identified to be under the ownership of the Princeton Theological Society, a religious group in New Jersey. The applicant is in the process of obtaining the land from the group. The applicant must provide documentation of its

ownership of the Bermuda Triangle or the current owners' consent. Staff has included a condition this reflecting this request.

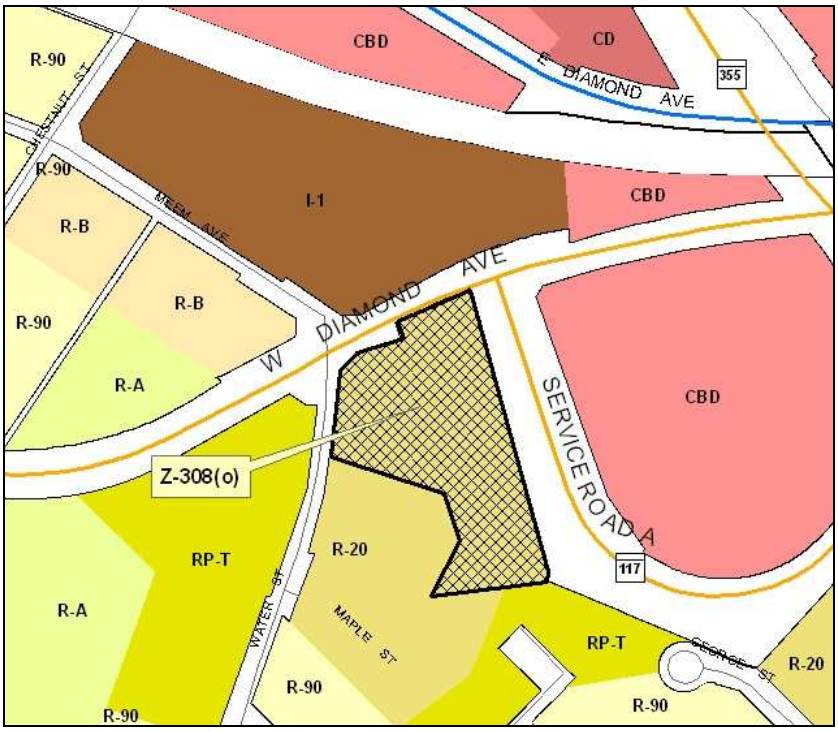
According to the approved Natural Resources Inventory (NRI), dated September 6, 2007, there is a total of 0.08 acres (3,588 square feet) of forested land onsite and there are a total of 13 specimen trees. The site is located within the Great Seneca creek watershed, but there are no wetland areas or stream valley buffer areas onsite. While the NRI indicates there are no floodplain areas onsite, the property is recognized to be located within a 100-year floodplain on current FEMA (Federal Emergency Management Agency) maps because there is an existing storm drain that is located underground. FEMA flood maps identify this as a Zone A flood hazard. The map is incorrect as this stream has been in a pipe for approximately 50 years.

The applicant, with assistance from the City, is in the process of requesting FEMA issue a revision to the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) for this area of Montgomery County. Such revisions are not uncommon and have been completed for several properties in the City. The applicant will be required to provide a letter of map amendment showing that FEMA has issued such a change to the flood maps to indicate the property is no longer in a floodplain prior to the Preliminary Site Plan approval.

The Division of Environmental Affairs is requesting the applicant revise the approved NRI to include the land located outside the property boundaries that is currently owned by the SHA. As such, the applicant must receive approval of a revised NRI and a preliminary forest conservation plan prior to final site plan approval.

NEIGHBORHOOD LAND USE AND ZONING:

West of the subject property, across the SHA service ramp is Barron's Lumber, zoned CBD. The primary use of this site is commercial with some light industrial use. Southeast of the property is the Spring Hollow townhouse development, constructed in the 1980s, zoned RP-T (Medium Density Residential). To the immediate west and southwest are the Summit Hall Apartments and the Lilac Garden Condominiums, both developed with multiple family buildings, zoned R-20. To the west, across Water Street, is a Washington Suburban and Sanitary Commission (WSSC) facility, which is mainly in use as an inspections and repair location. This site is zoned RP-T.



Surrounding zoning of Z-308(o)

To the northwest of the site, across West Diamond Avenue, is an unoccupied residential structure that was once in use as an office and is zoned R-B (Residential Buffer). Directly to the north is Uncle Bob's Storage Facility, zoned I-1 (Light Industrial).

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The subject proposal is a redevelopment project of an existing residential use, therefore the site maintains W-1 and S-1 (areas served by community systems which are either existing or under construction) categories. Washington Suburban Sanitary Commission (WSSC) has indicated that the applicant must abandon the existing water and sewer connections. Service does exist and therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247.

Fire and Emergency Services

The Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue) provides an eight-minute response time to the property. The property is also served by Fire Stations 28 (Shady Grove and Muncaster Mill Roads) and 31 (Rockville Station at Quince Orchard and Darnestown Roads) within a ten-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services, §24-248.

Adequacy of School Capacity

The proposed Residences plan property is currently located within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High School. According to the applicant, this project will generate 8.02 elementary school (kindergarten through fifth grade) students, 7.45 middle school (sixth through eighth grade) students, and 6.30 high school (ninth through twelfth grade) students.

The City Manager's review of the MCPS *Adopted FY 2008 Education Facilities Master Plan and Amended FY2007-2012 Capital Improvements Program* in July of 2007, indicated none of the schools within the Gaithersburg Cluster are above the capacity level of 110 percent. Therefore, the subject application complies with § 24-246, Adequacy of School Capacity at this time.

Traffic Impacts

The applicant submitted a Traffic Impact Study (TIS) by Wells and Associates, as part of the application and in accordance with the City of Gaithersburg's Adequate Public Facilities Ordinance. Comments were forwarded to Wells and Associates, and a revised TIS was submitted on January 23, 2008. Engineering Services Director Mumpower reviewed the findings of the revised study, which show that all the intersections in the study area will continue to operate within the City's acceptable standards for Critical Lane Volumes in both the AM and PM peak hours under total traffic conditions. He agrees with the finding detailed in the study and has granted approval of the final TIS for this project.

Public Transportation

The site is serviced by Montgomery County Ride On Bus routes #54 and #59, which have bus stops on West Diamond Avenue directly in front subject property. These bus routes provide transit assistance to the Shady Grove Metro station within a 12-25 minute time frame, the Rockville Metro Station within 28 minutes and the Rio at Washingtonian within 9 minutes.

The property is also located within a 10-minute walk of the Maryland Area Rail Connection (MARC) train station in Olde Towne, Gaithersburg. There are nine morning trains to Washington D.C. and nine trains from Washington D.C. in the afternoon.

SCHEMATIC DEVELOPMENT PLAN PROPOSAL:

The applicant is proposing a 191-unti multiple family building with structured parking. The unit range is as follows:

Studio Units:	65 (519 square feet each)
One Bedroom units:	47 (Range in size from 556-880 square feet)
Two Bedroom units:	79 (Range in size from 1,044-1,578 square feet)

The building will be four levels, with two levels of underground parking. The upper level of the parking garage will be accessed from the SHA service ramp and the lower level will be accessed from Water Street.

The plan below illustrates the amount of green area and building coverage space in relation to this site. The proposed plan contains approximately 44% green area, including the 0.15-acre public use park that is situated on the corner of Water Street and West Diamond Avenue, the 0.16-acre playground/park area located on the southern edge of the property, and the two rooftop courtyards. It should be noted the green area calculation does not include the eastern edge of the property, between the property line and the SHA service ramp. A portion of the SHA right-of-way will be acquired by the applicant in the future, but at this time it is not included in any gross lot area or green area calculations.

Illustrative Layout Plan

At this time, the subject plan proposes to only combine three parcels of the five parcels noted in the 2003 Land Use Element of the Master Plan.

The applicant has prepared two exhibits (Exhibits #60a & #60b and below) that contemplate the consolidation of Summit Hall Apartments, located at 15 Water Street, with the Residences at Olde Towne proposal. Both concepts demonstrate that redevelopment of the Summit Hall Apartments parcel can be developed in the future, whether combined with the Residences at Olde Towne project or independently.

Residences at Olde Towne redevelopment – Option A

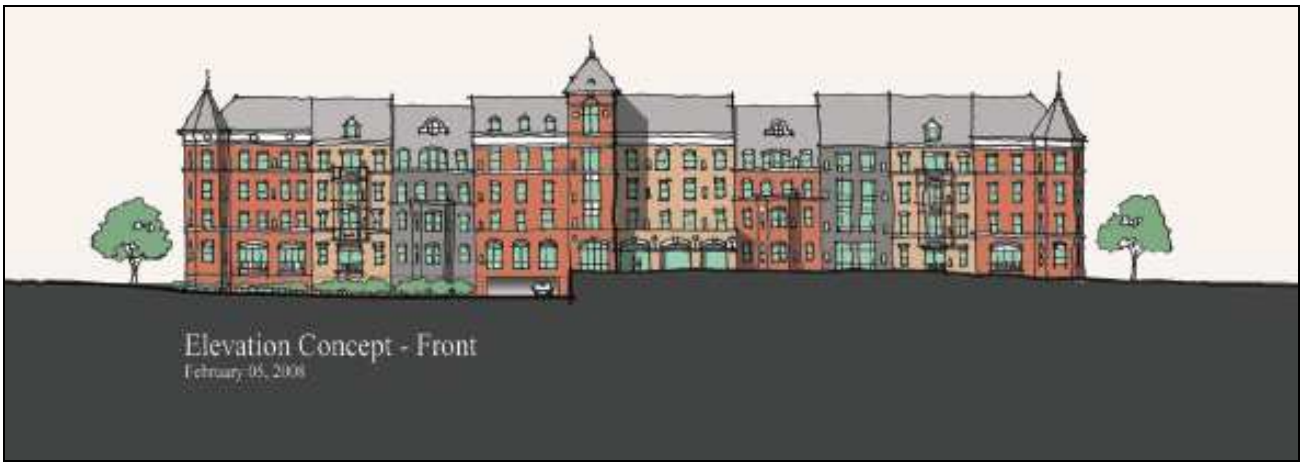
Residences at Olde Towne redevelopment – Option B

Architectural Elevations

The applicants' team has provided conceptual architectural elevations for this project. They are proposing to replicate an urban, downtown sense of place through its architecture by creating the impression of multiple buildings. This has been achieved by breaking the roof lines and adding design elements such as spires and turrets. There is variety in the massing and scale surrounding the length of the building. This will help to convey a more pedestrian oriented impression. The applicant has indicated that they believe this style of architecture, Victorian and pseudo-urban, is indicative of the traditional Olde Towne Gaithersburg style of architecture. Because of its location, the proposed development will serve as a gateway to Olde Towne.

Staff has emphasized that top quality materials should be used for this project, such as cementitious siding, brick, and stone.

Below are the samples of the architecture presented by the applicants' team:



West Elevation – Facing State Highway Administration Service Ramp

East Elevation – Facing Water Street

North Elevation – Facing West Diamond Avenue

Sustainable Design

Although the Green Building Code recently adopted by the Mayor and City Council does not apply to multiple-family projects, the applicant has volunteered to incorporate the Gaithersburg Green Residential Criteria. The proposed project will incorporate the criteria as adopted by the Mayor and City Council by Ordinance O-14-07 on October 15, 2007. Staff is recommending a condition to reflect this aspect of the plan.

Although final forest conservation calculations will be finalized during final site plan, it is estimated that there will be 10 trees removed and approximately 54 trees replanted as part of the reforestation requirements.

Currently, there is no private onsite stormwater management system in place on the subject property. Storm water runoff from property flows across the surface parking lots and enters the public storm drain system without any treatment. This public storm drain systems eventually discharges downstream into the Long Draught Branch. A private stormwater management system is planned to be installed that includes an onsite recharge infiltration trench, a sand filter structure (vault) to pre-treat storm runoff, and an extended detention quantity control structure.

Development around the subject property, including the Lilac Garden Condominiums, the Summit Hall Apartments, and the properties to the west, have created conditions where the storm runoff ponds at the southern end of the Bermuda Triangle and the adjacent properties. This storm runoff often floods the basement laundry room and units in the Lilac Garden Condominiums. The stormwater management system proposed by the applicant, together with changes to existing grades on the parcel known as the Bermuda Triangle, is intended to alleviate this problem.

Parking

The plan proposes a two level parking garage with approximately 270 parking spaces. As previously mentioned, there will be an access entrance from Water Street and an access entrance from the SHA Service Ramp. The Department of Public Works (DPW) will approve the final design layout of the garage at final site plan.

Work Force Housing

The CBD Zone does not require the incorporation of affordable housing, however, the applicant has volunteered to designate 15% of the total units as Work Force Housing Units (WHFU) (exhibit #71). The units will be proportionate and evenly distributed throughout the mix of unit types, consistent with the WHFU Program Regulations as provided by Chapter 24 of the City Code. The Declaration of Covenants will incorporate this aspect of the plan and staff is recommending a condition for the Work Force Housing Units as well.

OPTIONAL METHOD OF REZONING

Application Z-308(o) proposes to rezone the property to the CBD (Central Business District) Zone under the optional method. This approach to rezoning a property requires the submission of a schematic development plan (SDP) as required by §24-198(a) as part of the rezoning application. The purpose of the SDP is to define the proposed development standard or standards that will be less than the maximum permitted in the requested zone and/or limiting the land use of the applicant's subject property to one or more of the permitted uses in the zone. A covenant detailing the restrictions of use and/or development standards, of the SDP, is required under §24-198(b). The covenant will be filed with the County Land Records. Approval by the City Council will only allow the requested development or use, per the submitted SDP and covenant.

DECLARATION OF COVENANT AND SCHEMATIC DEVELOPMENT PLAN

In accordance with §24-198(b), a covenant (Exhibit #74) has been submitted outlining the restrictions on the uses and development proposed by application Z-308(o). The subject property shall be constructed below the maximum standards permitted in the CBD zone as follows:

1. Density:

The number of dwelling units constructed on the Subject Property shall not exceed 191.

2. Building Height:

No building constructed on the Subject Property shall exceed a total of four stories (excluding garage levels), except for feature towers and turrets that shall not exceed five stories.

3. Setback of Buildings:

Buildings constructed on the Subject Property shall provide not less than the following setbacks.

West Diamond Avenue:	15 feet
Maryland 117A "Service Road:"	5 feet
Water Street:	15 feet

4. Minimum Green Space Requirement:

The amount of green area, including designated parks, public and private open space, active and passive recreational areas and courtyards provided on the Subject Property shall not be less than 40%.

5. Work Force Housing Units:

   Fifteen percent (15%) of the dwelling units shall be offered to eligible participants under the terms of an affordable housing program for households earning at least 80 percent of AMI, but no more than 120 percent of AMI, adjusted for household size in accordance with City Code Regulation No. 02-07.

Use of the Subject Property shall be restricted to the following:

1. Multi-family residential dwellings.

2. Offices and rooms for marketing, sales, leasing, operation and management of the multi-family residential dwellings

3. Rooms for resident services and amenities including but not limited to rooms for community social events and parties; theater rooms; fitness centers; business centers with provisions for internet, computer, copying and facsimile facilities.

4. Parking garages for the residents of the multi-family residential dwellings and their guests and visitors.

It should be noted that the provisions provided for in the covenants exceed the development standards of the CBD Zone.

STAFF ANALYSIS AND RECOMMENDATION:

Staff recommends approval of zoning map amendment application Z-308(o) to rezone the subject property from the existing R-20 (Medium Density Residential) Zone to the CBD (Central Business District) Zone based upon the following findings as required under §§ 24-10A(2) of the City Code:

(1) The application complies with the purpose and intent of the zone as stated in the zoning ordinance:

Purpose:

(a) The proposed development is in accordance with the Master Plan recommendation by consolidating properties and redeveloping the property as multiple-family residential units. It is creating a premier gateway development into downtown Gaithersburg and further following the Master Plan recommendation by requesting rezoning to CBD;

(b) The multiple-family community provides a mix of unit types to meet the needs and requirements of a verity of age groups, lifestyles, and income ranges;

(c) The conceptual architecture will be designed in such a way to be in conformance with the Architectural Regulations of the Downtown Plan by utilizing quality materials and incorporating methods historically familiar to Olde Towne Gaithersburg;

(d) The density and use promotes the use of public transportation by placing appropriate residential density in an urban area where there are two Ride On Bus Stops and a major commuter rail station stop (MARC) within a five to ten minute walk from the site.

(e) The proposed development includes a public use park, a playground, and sidewalks, which will promote improved pedestrian facilities. The applicant is providing underground parking onsite, which improves vehicular circulation;

(f) The wide range of style, type, and size of the units, including a large number of studio units, provides housing that is more affordable for people within a wide range of incomes. Additionally, the applicant has agreed to provide Work Force Housing Units;

(g) The subject rezoning application includes a public pocket park at the corner of Water Street and West Diamond Avenue, which will be accessible to the general public, and a larger public use playground at the southern edge of the site both which can be classified as public amenities;

(h) The proposal is an assemblage of three parcels of land and redevelops two blighted apartment communities in a highly visible and well traveled area in the City of Gaithersburg

(2) The application, as applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

The application is proposing to rezone the property to CBD and develop a multiple family building in an area that can be considered the gateway to Olde Towne. Surrounding this site lies a variety and mix of uses and density, which is highly encouraged in the CBD Zone. A higher residential density is appropriate at this location due to its proximity to public transportation, existing infrastructure, and the public amenities available in Olde Towne.

Further, this property is contiguous to the CBD Zone, which will provide a logical extension to the Central Business District of Gaithersburg.

STAFF RECOMMENDED CONDITIONS

The Planning Commission is to provide a recommendation to the Mayor and Council Z-308(o). Staff recommends that the Planning Commission give a favorable recommendation of the map amendment request to the Mayor and City Council with the following conditions:

1. The applicant shall record the revised Covenant (Exhibit #74) for Z-308(o) in the Land Records of Montgomery County prior to the submission of Final Record Plats;

2. The applicant shall be required to provide a letter of map amendment showing that FEMA has issued a change to the flood maps to indicate the property is no longer in a floodplain prior to the Final Site Plan approval;

3. The applicant shall receive approval of a revised NRI and a preliminary forest conservation plan by the Environmental Services Division prior to Final Site Plan approval;

4. The applicant shall provide documentation of its ownership of the parcel of land known as the Bermuda Triangle or the current owners' acknowledgement and consent prior to Final Site Plan approval;

5. The applicant shall obtain approval from the SHA to disturb any land in the current SHA right-of-way, or provide verification the land has been transferred to the applicant;

6. The applicant shall comply with Gaithersburg Green Residential Criteria as adopted by Ordinance O-14-07 by the Mayor and City Council on October 15, 2007; and

7. The applicant shall designate 15% of the total units as Work Force Housing Units, which shall be proportionately and evenly distributed throughout the project in accordance with the WFHU Program Regulations.