

FAIRFIELD AT CROWN
FINAL SITE PLAN
JUSTIFICATION STATEMENT
REVISED JUNE 2021

FRH Realty LLC is the contract purchaser of and applicant (the “Applicant”) for 333 Ellington Boulevard, identified as Block A, Lot 3 on a record plat entitled “Plat 28, Crown Farm,” recorded in the Land Records of Montgomery County, Maryland at Plat No. 24454 (the “Property”). The Applicant is filing this justification statement as part of the application for Final Site Plan (the “Application”) for the Property pursuant to Section 24-160D.9(c) of the City of Gaithersburg Zoning Ordinance (the “Zoning Ordinance”). The Application seeks to redevelop the Property with 244 multi-family residential units, including 27 moderately priced dwelling units (“MPDUs”) and related amenities (the “Project”), as well as add onto the existing parking garage located along Copley Place directly adjacent to the Property on its north side, all as envisioned by prior regulatory approvals, discussed in detail below. The Applicant is also requesting a waiver pursuant to Section 24-222A of the Zoning Ordinance, in order to permit some parking spaces in the addition to the garage at fewer than 17 feet in length, as otherwise required per Section 24-218(e) of the Zoning Ordinance, described below.

The Property

The Property is comprised of 76,894 sq. ft. (approximately 1.765 acres), located in the City of Gaithersburg (the “City”). It is zoned Mixed Use Development (MXD), and located within the Downtown Crown redevelopment, a vibrant, transit-proximate area with a mix of uses. The Property is currently vacant. It is generally bounded by Copley Place to the northwest, Diamondback Drive to the southwest, Ellington Boulevard to the southeast, and the aforementioned parking garage to the northeast. Across Copley Place from the Property is The Copley, a five-story multi-family residential building. Across Diamondback Drive from the Property are four-story townhome units. Finally, across Ellington Boulevard from the Property is Olmstead Park, a lake and natural area with a walking trail.

The site is the last multi-family redevelopment site in Neighborhood 1 of Downtown Crown and, upon its construction, Neighborhood 1 will be largely built-out in its contribution to the overall

vision established by the Sketch Plan and the Schematic Development Plan (defined and discussed in further detail below) for this community. The Property is convenient to numerous retail and restaurant uses, including Harris Teeter, LA Fitness, and multiple restaurants, all within easy walking distance of the site. The Property is well-served by multiple transportation facilities, including Sam Eig Highway, Fields Road, Great Seneca Highway (MD 119), and Interstates 370 and 270. In terms of mass transportation options, the Property is convenient to several bus lines (Ride On lines 54, 67, 74, and 76, and MTA Commuter Bus Route 201), the MARC Metropolitan Grove railroad station is less than four miles away, and several proposed future Corridor Cities Transitway bus rapid transit stations are proposed in and near Downtown Crown. Olmstead Park is directly across Ellington Boulevard from the Property, with a lake and walking trail, and Green Park is located nearby across Sam Eig Highway, and includes a playground and dog run.

The Property and Downtown Crown as a whole are subject to Sketch Plan No. Z-315 (the “Sketch Plan”), which was approved by the Mayor and Council through Ordinance No. O-27-10 on December 6, 2010.¹ The Sketch Plan provided the framework for the future redevelopment of the approximately 182.8-acre Crown Farm site into a vibrant, mixed-use community. The Sketch Plan identifies the Property within Neighborhood 1, one of six neighborhoods as established by the Sketch Plan, and indicates that Neighborhood 1 is comprised of approximately 41.3 acres and allows for mixed-use development, building heights of up to 8 stories, 235,000 to 300,000 gross square feet of commercial uses, and 650 to 1,200 dwelling units (single-family attached or multi-family).

Schematic Development Plan No. 11-001 (the “Original SDP”), approved by the Mayor and Council on April 4, 2011 through Resolution No. R-28-11, pertains to the redevelopment of Neighborhood 1 and Neighborhood 2, as originally identified in the Sketch Plan. The Original SDP identifies the Property as Lot 3 of Block C within the Plan I and Plan II areas of Neighborhood 1. The Original SDP (Sheet 88 – Building Height Exhibit) reflects a multifamily

¹ The Crown Farm property as a whole was annexed into the City of Gaithersburg on August 7, 2006 via Resolution R-82-06, and at that time the MXD zoning for the site was approved along with the original Sketch Plan by Ordinance O-8-06. That original Sketch Plan was never implemented and a revised Sketch Plan No. Z-315, which is now the governing Sketch Plan, was approved on December 6, 2010 along with the Second Amendment to the X-182 Annexation Agreement.

building five (5) stories tall on the property (and a 4-5 story parking structure for the adjacent existing parking garage mentioned above). The Original SDP also notes (Sheet 2 – Notes, Details & Lot Typical) that a 5-story building may have a maximum building height of 75 feet (Note 9). The Project is less than 75 feet in building height, but due to the grade drop across the Property from north to south, the building presents as 6 stories on a small portion at the corner of Ellington Boulevard and Diamondback Drive. The Planning Commission approved an amendment to the Original SDP, ASDP-8733-2020, on March 3, 2021, permitting building height of 5-6 stories, with a maximum height of 75 feet.

For parking purposes, the SDP indicates (Sheet 81 – Parking Distribution Plan) that in Block C (comprised of the commercial Lot 1, parking garage Lot 2, and subject Lot 3 (the Property) multi-family), the parking requirement for the subject multi-family component is 314.8 spaces. This was determined based on a total of 227 units (125 one-bedroom units parked at 1.25 spaces/unit; 91 two-bedroom units parked at 1.5 spaces/unit; and 11 three-bedroom units parked at 2 spaces/unit). The SDP notes that the required parking for the multi-family in Lot 3 (the Property), in addition to the commercial/restaurant component in Lot 1, would be satisfied fully through use of the parking structure, with additional on-street parking spaces available.

The Project now proposes 244 multi-family residential units, which is permissible given that the unit count in Neighborhood 1 is well below that previously envisioned by the SDP, and, per Section 24-198(c)(1)(ii).d of the Zoning Ordinance, a schematic development plan does not need to be amended for purposes of unit count unless it “[i]ncreases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater”. Here, only a seven (7) percent increase in unit count is proposed (from 227 units per the SDP to 244 units proposed by this Application). Regarding parking, the Zoning Ordinance provides in Section 24-140D.8(a) that the council “at the time of schematic development plan review, shall determine the appropriate approximate number of spaces. At the time of final site plan approval, the commission shall determine the final number of spaces, based upon considerations of safety, convenience, pedestrian and vehicular circulation, and added landscaping within parking lot areas”. As a result, and as can be viewed on the plans submitted with the Application, per Zoning Ordinance requirements 310 parking spaces are required to serve the 244 multi-family residential units in the Project. The Applicant, pursuant to a separate building permit with the

City, will be constructing various alterations and expansions to the adjacent parking garage. As a result of this work, a minimum of 310 parking spaces in the garage will be dedicated to the Project specifically.

Regarding retail parking in the garage, 303 parking spaces are required under the Zoning Ordinance, and 429 parking spaces are currently provided in order to serve the retail uses. Retail parking spaces are located on levels one through three of the garage. As noted, those levels provide the 429 spaces that are allocated for retail use.

In connection with the SDP, the Mayor and Council approved the Crown Farm Neighborhoods 1 & 2: Design Guidelines (the “Design Guidelines”), discussed further below.

The Project

This Application is the last entitlement step to achieve the multi-family residential vision for Neighborhood 1, as this is the last remaining site of its type to be implemented in the Neighborhood. While the street grid and circulation is already in place at the Property, the Application proposes multi-family residential units at an appropriate scale, an addition to the adjacent parking garage as envisioned by the prior approvals in order to serve the Project, and attractive streetscaping, landscaping, and lighting. All features will serve to support the overall vision for Neighborhood 1 specifically and Downtown Crown as a whole, and contribute to the vibrancy and walkability of the neighborhood.

Architecture

The architecture of the proposed building strives to integrate the existing neighborhood context of Downtown Crown, with the smaller scale architecture surrounding the perimeter of the site in which the Project is located. Neighborhood 1 is the most visible of all the neighborhoods within this community, therefore making it essential that the Project react to the multitude of building scales surrounding its context. The Project aims to harmoniously stitch the existing urban fabric in a way that is successful and natural, while creating an urban feel through its use of materials, detailing, color palette, articulation, and massing. The Property provides continuous frontage along the site’s major axis on Ellington Boulevard, and the secondary axes along Diamondback Drive and Copley Place. Consequentially, the building massing and plan are shaped by the three existing street boundaries, as well as the existing parking garage on the site. Starting at the end

of Ellington Boulevard, facing the existing retail, the Project creates a strong corner language which anchors the midblock massing. The five-story brick corner, with articulated windows, cantilevered metal balconies, and contrasting brick base helps to bridge the existing monumental architecture of the downtown urban core. This sets up the design language for the three focal points in the Project at the corners of the building. This strong corner language creates a hierarchy between the treatment of the focal points and the midblock, as required by the Design Guidelines. *Design Guidelines, p. 13.* In addition, the midblock languages are broken into two different scales to reflect the site conditions.

The midblock language along Ellington Boulevard expresses verticality and monumentality to create an activated pedestrian corridor between downtown and the site. *Id. at 19.* The façade is organized by the rhythm of five brick and glass bays (grounded), with an articulated masonry base to relate to the human scale. These bays act to break up the roof line into smaller segments to avoid long horizontal facades without vertical or horizontal articulation. The façade also incorporates windows with transoms and brick piers that provide relief to the passerby. The exterior cladding of the bays is composed of four stories of a light masonry material with horizontal brick detailing at the second story, which reinforces the clear delineation of the base, middle, and top as described in the Design Guidelines. *Id. at 69.* Furthermore, within the four-story element there is accent brick detailing, inset and adjacent to the glazed openings which creates differences in both color and texture. The fifth floor of the bays are clad with a fiber cement board and batten detail, which allows the street level observer to read the top floor as a “penthouse” level. These bays include balconies that allow for views out towards the existing pond and the other Downtown Crown neighborhoods. Between the bay projections, the setback wall is composed of a two-story masonry base with taller windows to express the verticality of the bays. The difference in color creates contrast to reinforce the rhythm and movement of the bays along the street. Above the two-story base, are smaller residential scale windows with a simplified panel façade that juxtaposes the intricacy of the bay elements.

As the site slopes down towards the main corner of the building, at the intersection of Ellington Boulevard and Diamondback Drive, the Project uses this opportunity to place the main building entry at the ground level (necessitating the aforementioned amendment to the Original SDP, discussed above). This corner becomes an integral component to activating the streetscape. The

architecture at this amenity corner is expressed through a crafted two-level masonry volume, punctuated by vertical storefront at the lobby, lounge, fitness, and other programmatic spaces. Furthermore, the canopy at the main corner establishes the principal entrance to the building while the vibrant signage above provides a visual cue to the public along the street. The canopy turns the corner to Diamondback Drive allowing it to become a pivoting element for pedestrians walking along the building face. The design intent for the Ellington Boulevard façade is to allow the rhythm of the bays to run downhill, turn the corner, and present a visually open corner at the street intersection. This is all in furtherance of the Design Guidelines, wherein the corner of Ellington Boulevard and Diamondback Drive is identified as deserving of “focal point treatment”. *Id. at 13.*

The Diamondback Drive midblock language along the west portion of the site responds to and reflects the nature of the townhomes across the street. The façade is organized by the rhythm of three grounded brick bays with a 2-over-3 vertical arrangement, which is noticeably different from the Ellington Boulevard façade scale. This massing difference allows for the masonry material to act as a base for the cementitious cladding that exists at the higher levels of the facade. The architecture is treated in a way which simplifies the bays with residential scale windows and doors. In addition, the design uses cantilevered balconies to embellish the street face which creates movement, shadow lines, and materiality interest along the façade. The three brick bays are defined by setbacks occurring along the length of Diamondback Drive. These setbacks allow for relief at the roofline and create an opportunity for a material change with an accent panel cladding that brings warmth to the overall color palette. By layering these materials, window types, setbacks, and balcony projections, the façade successfully crafts a language that directly relates to the townhome architecture that is existing across Diamondback Drive, all in further of the Design Guidelines. *Id. at 69.*

The residential scale and architecture along Diamondback Drive are terminated by another focal point corner language at the intersection of Copley Place. The language established along Diamondback Drive maintains the existing 2-over-3 vertical arrangement along Copley Place. The architecture transitions to the existing parking garage by providing a recess at the stair which terminates the Copley Place façade.

As described above, the north, south, and west midblock elevations of the project provide for two distinct building façade languages all terminated by the three focal point corners. As noted, these proposed façades are informed by the Design Guidelines. The architecture carefully articulates the ground level facades with high quality materials such as brick, glazed windows, and storefronts with mullions and metal accents such as canopies, building signage, and balconies. As mentioned previously, the building establishes a clear base, middle, and top along Ellington Boulevard and Diamondback Drive through the use of different cladding materials, horizontal banding, and building setbacks. The use of architectural bays is used to break up the frontage along primary street faces, and the main entrance is distinctive and clearly identified in its monumental design through the use of a prominent canopy and architectural signage.

Landscape Architecture and Amenities

As a multi-family residential development, the site provides an opportunity to create a transition between the retail blocks and the residential blocks. This transition is observed from the visual architectural treatment of the building down to the pedestrian experience at the streetscape. The site is framed on the east by Ellington Boulevard, on the south by Diamondback Drive, and on the west by Copley Place. North of the Property is an access easement that allows access and egress into the adjacent parking garage.

Per the Design Guidelines, Ellington Boulevard is designated as a primary retail street and is Neighborhood 1's main street. *Id. at 11.* The streetscape design of Ellington Boulevard is retail-oriented with an active rhythmic design meant to move patrons toward the stores and restaurants. As one enters into the multi-family block, the streetscape transitions to a less active streetscape. While elements of the streetscape design resemble some of the retail streetscape, the plant selection, dimensions of the tree wells, and placement of streetscape furnishings begin to cater to a medium intensity residential use.

The streetscape design for Ellington Boulevard has an overall minimum streetscape dimension of 23 feet from front of curb to building face. The amenity zone is a minimum dimension of eight feet, followed by a minimum seven-foot unobstructed pedestrian sidewalk zone, and a foundation planting zone that varies with a minimum dimension of eight feet from the sidewalk to the building face, which aligns with the approved SDP and Design Guidelines. *Id. at 52.* The

new sidewalk will be sawcut brushed concrete replacing the current asphalt walkway. It is aligned with existing crosswalks that connect to the blocks north and south of this parcel to allow for a seamless pedestrian flow. Accent pavers are incorporated at the main entrance to the building at the corner of Ellington Boulevard and Diamondback Drive.

Deciduous street trees, which appear to be red maples, currently exist on Ellington Boulevard and are in dire shape. Due to construction constraints and City Staff's preference, they will be replaced with more appropriate willow oaks at 4-inch caliper. *Id. at 40.* Existing streetlights are intended to be protected in place. The tree wells use Condition 1/Medium-Intensity Residential Streets as a guide for the plant bed design. *Id. at 42.* The size is a minimum 8-foot x 10-foot opening with under-plantings incorporated along the edges, allowing for an unimpacted clear zone at the root ball at the base of the tree. Plant materials in the tree wells consist of seasonal color, evergreen shrubs, and hardy ornamental grasses. Ornamental grasses appear along the curbside, which are hardy against pedestrian and vehicular traffic, as well as snow and salt mixtures during the cold season. Evergreen shrubs ensure green streetscape throughout the year, and seasonal color appears along the sidewalk zone.

Along the building face, foundation planting is designed to provide a soft, vegetated pedestrian experience. Evergreens provide a backdrop against the building, and pops of color throughout the seasons are provided through deciduous shrubs and perennials. At the leasing entrance, streetscape furnishings and planter pots highlight the main entry. Planter pots accent the building corner by providing a contrasting color which pops against the building material and softens the entrance. Streetscape furnishings are also located at the leasing entrance. Benches and waste receptacles within the amenity zone are provided on Ellington Boulevard, and are of the same model as what currently exists throughout Downtown Crown. A new bike rack which matches other existing bike racks throughout Neighborhood 1, is able to park two bikes and is proposed on Diamondback Drive at the entrance to the building.

Diamondback Drive is designated as a secondary street. *Id. at 11.* The streetscape design matches the streetscape at the townhomes across the street, essentially completing the cross section through Diamondback Drive. The design consists of an overall minimum dimension of 24 feet from front of curb to building face. The amenity zone is a minimum of eight feet which includes the 2-foot step-off zone. *Id. at 52.* This zone uses the tree well detail for Condition

2/Low-Intensity Residential Streets, which contains a consistent, linear tree lawn interrupted by mulch beds at the trees. *Id. at 42.* The existing street trees and streetlights are intended to be protected in place.

Adjacent is a minimum 7-foot unobstructed pedestrian sidewalk zone, and a foundation planting zone that varies with a minimum dimension of eight feet to the building face. *Id. at 52.* Similar to Ellington Boulevard, the foundation planting is designed to provide a vegetated pedestrian experience, that also softens the building face. Evergreens provide the backdrop to pops of color by deciduous shrubs and perennials.

At the corner of Diamondback Drive and Copley Place, the intent is to retain the one bike rack that currently exists. This bike rack is what is currently shown in the approved SDP.

The design of the streetscape on Copley Place is similar to Diamondback Drive, in that it follows the tree well detail for Condition 2/Low-Intensity Residential Streets. *Id. at 42.* The amenity zone is a minimum of eight feet which includes the 2-foot step-off zone, consistent with the streetscape design across the street. *Id. at 52.* Existing street trees and streetlights exist within the amenity zone which will be protected in place. The design of the streetscape will remove the current, temporary concrete apron and replace it with the amenity zone. Because of the challenges surrounding the depth of storm pipes below the surface, additional street trees are not possible, but the tree lawn will be continuous. The adjacent sidewalk width varies but shall be minimum of seven feet.

Interior to the multi-family development are two private courtyards. Both courtyards are meant to provide residents and their guests with engaging outdoor amenities. Flexibility is a key factor to the design, ensuring that both larger social gatherings as well as small, individual needs are catered to. Because the courtyards are adjacent to the parking garage, special decorative treatment will be explored on a portion of the garage openings to provide the courtyards with privacy and security. In an effort to soften the adjacency of the parking garage, tall evergreen plant material lines the building façade, and acts as the background to seasonal plant material in front. The landscape palette consists of evergreens, flowering shrubs, ornamental trees, and groundcovers which provide color throughout the year, taking advantage of yellows and whites that pop during the day, and blues and violets that shine at dusk.

The larger courtyard is divided into two spaces. One space is the pool courtyard that includes a 3-foot depth pool with underwater benches and a sunning shelf. The pool is surrounded by a pool deck with a minimum 5-foot width with a variety of seating opportunities at the perimeter, as well as room for a lifeguard stand. A unique feature of this pool courtyard is the pool cabana in line with the entry into the pool courtyard. This is meant to be a shaded gathering space that can be used for larger social gatherings or divided with the arrangement of furniture for the enjoyment of smaller groups. The cabana is situated along the garage wall and acts as a hard buffer to the parking garage. In addition to the cabana, tall evergreen plant material act as a soft buffer to the garage and frame the pergola on both sides.

Enclosing the pool courtyard is a 6-foot-high fence to ensure security when the pool is not operational. Outside of the pool courtyard is the club amenity courtyard. This courtyard is designed with a variety of rooms to give residents and their guests options. Aligned with the interior amenity space is a fire pit and lounge seating, essentially expanding and connecting the interior/exterior experience.

In addition to the fire pit lounge, outdoor seating may be incorporated into the courtyard at the indoor amenity kitchen. This corner space allows for activities such as catering events to occur, or even walk-up bar seating. Amenities such as game tables can fit in this zone also, giving the opportunity for recreation.

Two outdoor grills and dining rooms are provided with lights above to activate the spaces at night. Adjoining the two dining rooms is a long, linear, multipurpose lawn panel. This area can be used for sunning, lawn games, etc. The organization of these individual spaces can be used for small, more private groups, or they can be used as a whole for larger social events allowing activities and people in the various rooms to interact with each other.

The second courtyard is another outdoor amenity, smaller in size but rich in program. The design treats the courtyard as a large, consolidated room where one can transition seamlessly from one space to the next. Like the club amenity courtyard, the spaces can be used as a whole or can be used individually or by smaller groups. This courtyard consists of a multipurpose lawn panel with a unique light feature above. Centered on the lawn is a fire lounge. This lounge can accommodate a small group or allow for engagement with activities on the lawn. Next to the

lawn panel is a grilling zone. A hardscape area allows for moveable café tables and or lounge furniture or space for events. A smaller pergola provides shaded seating and entertainment. Lighting is key to activating these spaces at night, either for use or for ambient night lighting.

Parking Garage, and Trash and Loading Operations

As noted above, the Applicant will be constructing various alterations and expansions to the adjacent parking garage. As a result of this work, a minimum of 310 parking spaces in the garage will be dedicated to the Project specifically. Regarding retail parking in the garage, 303 parking spaces are required under the Zoning Ordinance, and 429 parking spaces are currently provided in order to serve the retail uses. Retail parking spaces are located on levels one through three of the garage. As noted, those levels provide the 429 spaces that are allocated for retail use.

The functionality of the overall garage is governed by a private agreement between the two ownership entities of the garage. The current ownership entities are affiliates of RPAI and Westbrook Partners, and the Applicant will assume Westbrook Partners' ownership when the Applicant closes on purchase of the Property this year. The agreement was prepared and recorded in 2012 when the first phase was constructed, and always contemplated this second phase/expansion of the garage. In its condition today, the garage is 100% commercial but once the second phase is complete, the garage will adhere to the condominium exhibit included in the private agreement, and outlined below by floor:

Tier 1 (Level 1)

- The entire first floor will be retail parking with the exception of two van accessible handicap spaces dedicated to the multi-family units in the Project.
- There are two entrances from the garage to the multi-family building. One serves the van accessible parking (outlined in green on Sheet AP1-01) and the second is required per building code for ingress/egress (outlined in orange on Sheet AP1-01).
- There is an additional location for an ingress/egress door in the retail portion, but the Applicant did not include this for the following reasons:

- It conflicted with the existing garage agreement.
- It would result in eliminating approximately two retail parking spaces.
- It could potentially encourage residents of the multi-family building to park in the retail parking spaces rather than residential parking area.

Tier 2 (Level 2)

- The entire second floor will be retail parking.
- There is a single multi-family ingress/egress point (outlined in orange on Sheet AP1-02), that is required per building code. This access point will be egress only from the multi-family building.
- There are two other potential locations for ingress/egress doors, but the Applicant did not include these for the same reasons as outlined for Tier 1.

Tier 3 (Level 3)

- Tier 3 has both retail and residential parking.
- Residential parking is secure behind an automated vehicular gate and a separation gate. Note the color change between parking spaces.
- There is a single multi-family ingress/egress point in the retail portion of the garage (as outlined in orange on Sheet AP1-03), that is required per building code. This access point will be egress only from the multi-family building.
- Similar to Tier 1, there is an additional location for an ingress/egress door in the retail portion, but the Applicant did not include this for the same reasons as outlined for Tier 1.
- Once within the residential portion of the garage, there is an access point (as outlined in green on Sheet AP1-03). This will be a primary access point for residents who park on this level to access the multi-family building.

Tier 4 (Level 4)

- The entire fourth level is residential parking.

- Unlike the lower tiers, there are three access points from the garage to the multi-family building. These will serve as primary access points for residents.

Tier 5 (Level 5)

- The entire fifth level is residential parking.
- Similar to Tier 4, there will be three access points from the garage to the multi-family building. These will serve as primary access points for residents.

This condominium configuration concentrates retail parking on Level 1, 2, and part of 3, and the multi-family parking on part of Level 3 and all of 4 and 5. The Applicant recognizes that residents living on Levels 1 and 2 will have to enter the multi-family building on Level 3 and either take the stairs or elevator to their respective floors.

Regarding trash and loading services, they will be coordinated through the property management team. Specific schedules will be identified for service pickups and the maintenance staff will arrange for the garbage or recycling receptacles to be wheeled out into the striped area outside of the travel lanes for pickup (shown on Sheets A0-01 and SP-01A). Upon completion of pickup, maintenance staff will then wheel the receptacles back into the trash service area within the building. The loading area will be coordinated by property management so that there will not be any conflicting times that would interfere with the trash services. Property management will coordinate set appointments for individual move-ins and move-outs, and will stagger them as needed so that there are not any staging issues during delivery or move-in/move-out operations. All delivery and moving trucks will either utilize the striped area of the access easement or loading area within the building, depending upon the vehicle size, and will not be permitted to utilize the travel lanes.

Storm Drainage and Utilities

The site will drain through roof drains into the two courtyard areas. Storm drainage pipe is proposed from these courtyards and will tie into the existing storm drain system along both Copley Place and Ellington Boulevard. There are two proposed sanitary sewer connections for the building. The proposed 8-inch lines will tie into the existing 10-inch main along Ellington Boulevard. The proposed water line connection for the building will tie into the existing 12-inch

water main also located within Ellington Boulevard. The Applicant is still in the process of coordinating dry utilities, but there are existing electrical and gas lines within the vicinity of the site that will likely be utilized.

Taken together, the Project will complete the multi-family vision for Neighborhood 1 with attractive, engaging architecture, an expanded adjacent parking garage, and a walkable and welcoming streetscape and landscaping.

Compliance with the Zoning Ordinance's Required Findings for Final Site Plan Approval

The Application satisfies Sections 24-160D.10(c), 24-170, and 24-170A of the Zoning Ordinance as follows. Specifically, the Project will not:

- (1) *Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.*

The Application promotes the health and safety of persons residing in or working on the land in question and in the surrounding neighborhood. Most significantly, the Project will complete the multi-family vision for Neighborhood 1 as established in the Sketch Plan and the Original SDP. New residential units will be provided, allowing for additional residents to move to Downtown Crown, and the frontages of the site will be improved with attractive landscaping, enhancing the pedestrian experience along the site. The Application will advance the Sketch Plan's and Original SDP's vision of an infill and mixed-use community convenient to employment, retail, and transportation, while also fulfilling the goal for high-quality design contemplated by the Design Guidelines.

The Application is harmonious with City planning goals and objectives. It is in conformance with the Land Use Element of the City's 2009 Master Plan and specifically its vision for Crown Farm as a mixed-use, transit-oriented development. *Land Use Element, pp. 60-61.* The Project supports the Process and Overview Element of the 2009 Master Plan as well. It proposes new development in an existing activity center – Crown Farm – and where public utilities, facilities, and services are already established. *Process and Overview Element, p. 5.* Further, the Project provides additional multi-family residential units to support the activities and retail uses already existing in Neighborhood 1 specifically and Crown Farm more generally, furthering seven day per week activity in the area. *Id. at 5.* As described above, the Project incorporates the

thoughtful standards of the Design Guidelines for Neighborhood 1. *Id. at 6.* It will also facilitate vehicular, bicycle, and pedestrian circulation. *Id. at 7.* Specifically, the Project optimizes the location of parking, in that parking will be provided efficiently through an extension of the existing adjacent parking garage. The bicycle and pedestrian experience will be enhanced along the Project's frontages through thoughtful and attractive hardscaping and landscaping. Finally, the Project offers multi-family housing in a mixed-use setting. *Id. at 8.*

Additionally, the Application is consistent with many of the objectives contained in the City's FY 2021 Strategic Plan (the "Strategic Plan"). The Project proposes new housing options in the City, including a significant MPDU component, adding to the number of affordable units available. *Strategic Plan, p. 57.* The Project will provide high quality, aesthetically pleasing design, as contemplated by the Design Guidelines for Neighborhood and described in further detail above. *Id. at 84.* The Project will also provide an attractive streetscape and associated amenities (hardscape, landscape), and further will reduce automobile dependence by co-locating residential units within walking distance of a mix of uses (retail, restaurants, office). *Id. 105, 106.*

(2) *Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.*

The Application in fact supports the public welfare and enhances the use and development of adjacent and surrounding properties. As described above, the Project will develop a currently vacant site with multi-family residential units at an appropriate scale (five stories) and in furtherance of the Design Guidelines for Neighborhood 1. It will utilize an existing parking garage, through an expansion, to efficiently provide parking for the Project, and includes streetscaping and landscaping that will enhance the pedestrian walking experience for anyone visiting adjacent and surrounding properties as well. Consistent with the Property's MXD zoning, the Project will reduce reliance on the automobile by providing additional residential units within walking distance of numerous uses, including office, retail, restaurant, and parks.

(3) *Constitute a violation of any provisions of this chapter or any other applicable law, regulation or ordinance.*

Approval of the Application will not constitute a violation of any provisions of the Zoning Ordinance or any other applicable law, regulation, or ordinance. The Project fulfills the vision

for the Property as contemplated by the Sketch Plan and the Original SDP, as amended, by providing a 5-6 story multi-family residential building. The Project will efficiently provide parking in what is already a transit-proximate and walkable area by expanding the existing adjacent parking structure. Further, there are no environmental features on the site.

The materials submitted with the Application confirm compliance with all applicable provisions of the City Code, including Chapter 8 of the City Code (Erosion and Sediment Control and Stormwater Management), Chapter 19 of the City Code (Streets and Sidewalks), Chapter 22 of the City Code (Trees and Forest Conservation), and the Landscaping Standards of Article XIII of the Zoning Ordinance. Lastly, as described above, the Project conforms to the approved Design Guidelines for Neighborhood 1.

(4) *Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.*

The Project will not be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development. Development of the Property with a building of the type of use (multi-family residential) and scale has been contemplated for a number of years as part of the fulfillment of the vision for Downtown Crown, as established in the previously approved Sketch Plan and Original SDP. The Property is the last remaining multi-family site to be developed in Neighborhood 1, and it will complement the adjacent and nearby uses (townhomes and mid-rise multi-family residential), while completing the streetscape along its frontages, improving the pedestrian experience for all who pass by the site on their way to nearby retail and restaurant uses.

(5) *Be inharmonious or inconsistent with the environmental standards of the City adopted by the City Council pursuant to Section 20-9 of the City Code and any amendments thereto.*

The Project is not inharmonious or inconsistent with the City's *Environmental Standards for Development Regulation*. The approved NRI/FSD for Downtown Crown notes that there are no ephemeral streams or channelized drainageways within 50 feet of the Property, that there are no 100 year floodplains or non-tidal wetland areas on or within 100 feet of the Property, that the Property is outside the 0.2% floodplain, and that there are no rare, threatened, or engendered species observed on the Property. Furthermore, as noted the Project provides additional

residential units near a wide variety of uses, including existing transportation and parks, helping to reduce reliance on the automobile.

Lastly, while adequacy of public facilities is not tested at the time of a Final Site Plan and is not a finding that needs to be made for approval of a Final Site Plan, because several neighbors have expressed concern regarding traffic volume and road adequacy in the vicinity of the Project, we wanted to briefly address this from an adequacy perspective. In accordance with Section 24-244 of the Zoning Ordinance (Adequate Public Facilities – Applicability), Downtown Crown is not subject to adequate public facilities requirements as it is governed by an annexation agreement. The X-182 Annexation Agreement determined adequacy of public facilities, including transportation, for Downtown Crown. The Project’s proposed multi-family units fall within the permissible range established by the Annexation Agreement and Sketch Plan. Specifically, the Annexation Agreement and Sketch Plan permit up to 2,250 residential units in a variety of dwelling types and up to 320,000 square feet of retail and other commercial development. This level of development was analyzed and supported by a Traffic Impact Analysis, prepared by The Traffic Group at the same time that the Annexation Agreement was entered into.² To date, based on what we understand to be City Staff’s analysis as well as an analysis conducted by the Applicant, 1,961 residential units and 261,718 square feet of retail and other commercial development have been either constructed or approved but not yet built, well within the permissible limits as established by the Annexation Agreement and Sketch Plan. Separately, the Applicant is aware of the safety concerns, particularly concerns regarding pedestrian safety, expressed by several neighbors regarding intersections in the vicinity of the Property. The Applicant will continue working with City Staff and the master developer to determine any appropriate measures that should be taken in this regard.

Parking Waiver

As mentioned above, the Applicant is requesting a waiver pursuant to Section 24-222A of the Zoning Ordinance, in order to permit some parking spaces in the addition to the garage at fewer

² We note, the Traffic Impact Analysis did not factor in the Corridor Cities Transitway (“CCT”) or assume that any vehicular trips would be removed from the roads on the basis of implementation of the CCT. Several neighbors have asserted that the Traffic Impact Analysis is no longer valid given that the State has indicated it will not provide funding for the CCT, leaving it to Montgomery County instead. Given that the Traffic Impact Analysis did not factor in the CCT, this assertion is invalid.

than 17 feet in length, as otherwise required per Section 24-218(e) of the Zoning Ordinance. Specifically, 29 parking spaces out of the total addition proposed of 250 parking spaces would only be approximately 15 feet, 1 inch in length due to the location of structural columns. This mimics the existing condition in the existing garage that is proposed for expansion. In the existing garage, there are numerous parking spaces where placement of structural columns reduces the length of parking spaces similarly.

Section 24-222A(a) of the Zoning Ordinance provides that “[t]he planning commission may waive any requirement of this article, in whole or in part, which is not necessary to accomplish the objectives of this article”. That Section does not contain any specific findings that must be made for approval of a waiver of a parking space dimensional requirement. While Article XI (Off-Street Parking and Loading) of the Zoning Ordinance does not list specific objectives, Section 24-218(a) includes an objective statement of sorts, in that “[t]here shall be provided, at the time of erection, enlargement or structural modification of any building or structure, off-street parking spaces, either within or without a structure with adequate provision for ingress and egress”.

Approval of the requested waiver would not interfere with adequate provision for ingress and egress. The proposal mimics a condition that has been in place in the existing garage since its construction, and the Applicant is not aware of any operational difficulties that this condition has caused. Moreover, the proposal is industry standard in most parking garages, in that structural columns often result in a handful of shorter parking spaces, which drivers of smaller cars typically gravitate to and those of larger cars avoid. Within the garage addition, notably, only 15 of the 29 shorter spaces will be in the retail parking area open to the public (Tiers 1 and 2, and part of Tier 3) out of a total of 429 retail parking spaces, leaving ample full-size parking spaces available. Fourteen out of the 29 shorter spaces will be in the residential parking area (Part of Tier 3, and Tiers 4 and 5), and the residents will have sufficient familiarity with the parking garage to know which spaces fit their respective vehicles adequately and park accordingly.

For these reasons, the Applicant requests approval of this parking waiver in order to permit this small number of spaces to be fewer than the standard 17 feet in length.

Conclusion

The Applicant respectfully requests that the Planning Commission grant approval of the Application, thereby allowing the construction of this multi-family residential Project in the MXD Zone. As explained above and in the plans submitted with the Application, the Project satisfies all of the findings that the Planning Commission must make in approving the Final Site Plan under the Zoning Ordinance. This Project will provide high-quality, multi-family residential units (including MPDUs), continuing the successful redevelopment of Downtown Crown.