

JUSTIFICATION STATEMENT

JBG COMPANIES
(JBG/5 Choke Cherry, L.L.C. and JBG/Market Square II, L.L.C.)
Upper Rock District Blocks B, C and D
Preliminary Development Plan Application PDP2004-00007

PDP AMENDMENT

On behalf of the JBG Companies and the referenced affiliates, we are submitting the attached application to amend the current Preliminary Development Plan ("PDP") for the referenced property.

PROPOSED PLAN

With one phase remaining in the redevelopment of the Upper Rock District, we are seeking approval for the attached plan for Blocks B, C and D which will consist of approximately 34,700 SF of retail space and will provide benefits to the surrounding neighborhood and to the City of Rockville.

As approved in PDP2004-00007, the Upper Rock District total development program includes 844 dwelling units, 238,087 SF of office and 23,500 SF of retail/commercial (which does **not** include the retail/commercial component of the approved 126 Live/Work units which would have been approximately 24,000 sq. ft.). To date, 551 of the approved 844 residential units either have opened to the public or are under construction. Similarly, the 238,000 SF office headquarters for the SAMHSA division of the Federal government's Department of Health and Human Services serves as a daytime anchor at the center of the District. The approval of the

proposed plan for 34,700 SF of retail would be less than the total overall density approved in PDP2004-00007. It does not impact the local school capacity and, in fact, effectively “returns” major capacity to the school system by eliminating 293 of the approved dwelling units. At the same time, it conforms with all conditions of approval included in the PDP and with the general vision for the Upper Rock District.

This plan proposes the demolition of the aging 73,500 SF existing office building on Block B and the adjacent surface parking lot on Block C, replacing them with 34,700 SF of service, restaurant, other types of retail uses. These uses could include a small neighborhood grocer, restaurants, a pharmacy, a bank and general retail. This will provide the Upper Rock District with an integrated and interactive group of uses. The retail will provide a major amenity and convenience for the adjacent residences and offices so that they will have options for meals, shopping, sundries, and other activities within walking distance, and will not need to use a car. This mix of uses adds a significant value to the existing residences, the existing office, and the long term sustainability of the Upper Rock District. The existing landscaped green area on Block D also will function as a ceremonial entrance to the Upper Rock District as well as a gathering space.

APPROVED PDP

The approved PDP allows for an additional 293 residential units and 23,500 SF of retail/commercial *exclusive* of the retail/commercial contemplated within the approved Live/Work units which was previously planned to be located in the ground floor of the proposed

repurposed office building at 5 Choke Cherry (Block B). The Live/Work space amounts to an approximately 24,000 SF of retail/commercial, for a combined total of approximately 47,500 SF of retail/commercial space. The proposed plan of approximately 34,700 SF of retail space therefore would result in the following net impact to the final development program: 293 fewer residential units and approximately 12,800 SF less in retail/commercial.

TRAFFIC

The Traffic Statement submitted with the application reflects the de minimis traffic impact of the proposed plan and showing how the request satisfies the City's traffic requirements.

This plan also implements the requirements of the PDP including street and sidewalk cross sections. The pedestrian and vehicular movement graphic for the proposed plan shows how pedestrian and vehicular moments will be handled, in nearly the same way planned under the existing approval. Significantly, the location and orientation of the buildings along Shady Grove Road, reflect nearly the same setback and orientation of the existing building, which was to remain. The proposed buildings are designed in a way to maximize pedestrian safety and experience as well as vehicular safety and movement. The Plan also anticipates on-street parking along the internal roads within the Upper Rock District to enhance pedestrian safety and walkability, while, at the same time, avoiding the need to build excess on-site parking. The plan shows the proposed curb cuts and driveway locations for the retail development. The traffic mitigation improvements established in PDP2004-00007 already have been constructed.

DESIGN

This plan continues to incorporate major elements in The Design Code Urban & Architectural Standards for The Upper Rock District, consistent with the existing phases of development delivered to date. The current design guidelines include the following recommendations:

- *Articulation* – the building layout for this retail is separated into smaller individual buildings to create a dense network of multiple independent buildings connected by continuous sidewalks throughout the street grid of the Upper Rock District, as well as a pedestrian sidewalk connection to adjacent developments. The buildings are scaled to reinforce the sense of arrival when coming to the Upper Rock District, as one will be greeted with inviting amenitized retail at the street level, followed by a 7-story Class A office headquarters, and all surrounded by 4-6 story high quality residential apartments. Retail buildings are snug to the surrounding streets in order to entice an active pedestrian access. The one-story retail will have ceiling heights ranging between 12-18' in height.
- *Frontages & Storefronts* – this retail design brings frontage to the primary public streets in an effort to draw comfort and ease to pedestrian access in and around the Upper Rock District. Design of the building facades will be commensurate with the architectural quality of the District as well as its surroundings. The retail will present the majority of its frontage in an open and accessible manner such that the public realm of the frontage is enhanced to maximize the experience of patrons, residents, employees, and those in transit. The retail will feature large uses of open facades to increase public interest and aesthetic appeal, and storefronts will incorporate decorative canopies and high quality signage in accordance with the prescriptions of the design guidelines and the City's current code. Retail storefront designs will include storefront openings of large amounts of clear glass, and the storefronts will be of high architectural quality.
- *Streetscapes* – the Upper Rock Circle will be a public street dedicated to the City of Rockville upon the completion of its currently ongoing construction. This street, along with other surrounding public and private streets will be constructed of asphalt and lined with street trees which are coordinated with building entrances. There will be approximately 217 surface parking spaces constructed in connection with this retail. Drive-through access for the proposed pharmacy and potentially for a restaurant or bank will be designed, as allowed by the City of Rockville Zoning Ordinance Article 13, as not to obstruct traffic circulation within the site and with sufficient reservoir parking provided.

- *Other* – the facades of this retail will be a harmonious flow of colors consistent with each other as well as with the surrounding buildings of the district. High quality building lighting (interior and exterior) will be utilized consistent with the goals of enticing public activity as well as incorporating energy efficient goals in order to meet sustainable design standards.

This Amendment respects the overall vision for the Upper Rock District reflected in the Design Guidelines and the location of the existing buildings on the property, while, at the same time, addressing evolving design principles, market conditions and the needs of retailers deemed by the community to be responsive to their needs. Specifically, the Amendment provides for low-density, community serving retail uses that will benefit both the residents of the Upper Rock District and King Farm in general, as well as a broader customer base. This Amendment focuses on the importance of building frontages and articulation along Choke Cherry Road given the role of that road in defining the Upper Rock District and the overall King Farm vision. On the other hand, Shady Grove Road is and will remain a major thoroughfare providing opportunities for major office uses and retail uses of a regional nature. In order to provide a transition between the nature of Shady Grove Road, on the one hand, and, the interior areas of the Upper Rock District, this plan and the revised Design Guidelines treat the Shady Grove Road frontage somewhat differently than Choke Cherry Road. Most importantly, this Amendment and the updated Design Guidelines ensure that Upper Rock District will provide a dynamic mix of uses serving area residents and workers, as well as travelers on Shady Grove Road.

In order to facilitate future review of a Site Plan reflective of the revisions in this Amendment, we are submitting an edited version of the Design Guidelines to address design

issues specific to the third phase of this project, and request that it be incorporated into the approval. Although the Design Guidelines themselves give the Architect referenced therein the right to approve materials, design and techniques other than those specified in the Design Guidelines, we believe it is more appropriate to update those Design Guidelines.

PDP/PROJECT PLAN STANDARDS

Since approval of the PDP, the City's Zoning Ordinance has been rewritten completely and the PDP process by which this project was approved, no longer exists. The Zoning Ordinance and the City's Development Review Procedures Manual are unclear with respect to the process for approving amendments to existing PDP projects. On the one hand, the City's Project Impact Points System (PIPS) would suggest that the nature and scale of this proposed amendment is minor enough to be handled as either as a Level 1 or Level 2 Site Plan, given the limited number of points it triggers. City Staff, however, have determined that the project should be submitted to the Mayor and Council for approval. Although the project does not really require approval of a Project Plan under Article 7 of the City Zoning Ordinance, the previous requirements for approval of a PDP for the Optional Method of Development under the I-3 zone, under which the Upper Rock project was approved, are virtually identical to the criteria for Project Plan approvals in Section 25.07.01 of the City Zoning Ordinance. In order to make clear that the applicant can proceed with the revised uses being requested, we are submitting this application under the criteria for Project Plan approval.

The required findings for Project Plans in Section 25.07.01 are that the project will not:

- (a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
- (b) Be in conflict with the Plan.
- (c) Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards.
- (d) Constitute a violation of any provision of this Code or other applicable law.
- (e) Adversely affect the natural resources or environment of the City or surrounding areas.

The findings the Mayor and Council made in approving the PDP for Upper Rock, and effectively confirm the findings for a Project Plan with respect to this application under Section 25.07.01.b.2, Paragraphs (a) through (e). More specifically, in terms of Paragraph (a) of Section 25.07.01b2, this modification will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. The original PDP approval made this conclusion. The main effect of this Amendment is to significantly reduce the number of residential units on the property and to configure the retail component already approved through the PDP (including any retail/commercial component of the live/work units) in a manner that works better from a market standpoint and better serves the local community.

In terms of Paragraph (b), this Amendment will not be in conflict with the [Master] Plan. It continues and improves the mixed-use nature of Upper Rock so as to better serve existing residents in the Upper Rock District and in the King Farm, while at the same time enabling completion of the Upper Rock District in an attractive manner.

In terms of Paragraph (b), this Amendment will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Again, this finding was made in the original PDP and the amendment does not change any of those substantive findings.

In terms of Paragraph (c), this Amendment will not overburden existing and programmed public facilities. As found in the original PDP, water and sewer service are available and sufficient and the stormwater management, sediment control and forest conservation regulations all will be met. In terms of traffic capacity and mitigation, the Traffic Impact Statement attached hereto as Exhibit 2, demonstrates compliance with the City's requirements. This Amendment also avoids the school impact of 293 additional dwelling units.

In terms of Paragraph (d), this Amendment will not constitute a violation of any provisions of this Code or other applicable law.

In terms of Paragraph (e), this Amendment will not adversely affect the natural resources or environment of the City or surrounding areas. Once again, this finding was made in the original PDP approval. Since then, State and City regulations have changed so as to require more complete sediment control and stormwater management and this project now will increase its protection of natural resources.

Finally, in order to complete the review and approval of this Amendment, attached as Exhibit 5, is the approved Natural Resources Inventory/Forest Stand Delineation. Given that this

application merely requests a change in use approvals for an area of the project already approved for development, and as reflected in the NRI/FSD, there is no adverse environmental impact.

The applicant has had the required Pre-Application Staff meeting and Transportation Review, Pre-Application Area meeting and Pre-Application Natural Resources filing. The project also has been reviewed by the Development Review Committee, and this submission reflects modifications to the Plan in response to DRC comments.