


MEMORANDUM

December 4, 2009

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene L. Michaelson,  Senior Legislative Analyst

SUBJECT: White Flint Sector Plan

This is the Planning, Housing, and Economic Development (PHED) Committee's third worksession on the White Flint Sector Plan. This memorandum covers each of the districts and specific properties addressed in the Sector Plan. At future worksessions the Committee will return to issues related to the land use/transportation balance and the location of various public facilities (the school, fire and police stations, the need for a recreation center, and the civic green) and will discuss the sustainability, staging and financing recommendations in the Sector Plan.

Committee Members should bring a copy of the Sector Plan to the meeting for reference.

Potential Density Reductions

During the PHED Committee's November 30th meeting, the Committee asked the Planning Department Staff to begin to examine land use options that could achieve a land use/transportation balance at build out as an alternative adding road capacity or accepting a less than ideal level of service. Options to reduce density could be achieved with an across the board reduction or with more targeted reductions to specific properties. Since Planning Department Staff will not have this analysis prepared before the Council breaks in December, the analysis in this memorandum is based on the recommendations in the Final Draft Sector Plan. Should the Committee decide to pursue a land use option to achieve balance, these land use recommendations will need to be revisited.

Application of the CR Zone

Many of the properties in the Sector Plan are recommended for the proposed Commercial-Residential (CR) zone, which the Committee is in the process of reviewing. This zone allows the Sector Plan to designate the overall floor area ratio (FAR) for each property, as well as the commercial and residential

FAR and the height. Planning Department Staff consider each combination of these four factors to create a different zone. In an effort to minimize the number of zones used in the Plan, they did not always select the optimal CR zone for each property. While the overall FAR always represents their best judgment regarding total density, they limited the combinations of residential and commercial densities and height, sometimes selecting a zone that does not appear to be the best option for implementing the Sector Plan objectives. (For example, the goal of the Plan for the Strathmore Court in the NRC District is to encourage residential development, but the zone is CR4: C 3.5, R 3.5, and H300, which could result in a development that is primarily commercial. The Plan did not recommend a lower amount of commercial development to minimize the number of CR zones.) Unless the zoning reflects and will implement the Plan's land use recommendations, it is impossible to determine whether the Plan will achieve its objectives. In particular it is impossible to predict whether at build out there will be the desired residential focus for the planning area with 60% residential development. Staff believes that the Sector Plan should be amended to either increase the number of CR zones to ensure that Plan objectives will be met, or use an alternative zoning strategy which allows greater precision.

Another issue related to the use of CR zone is whether the zone or the master plan should set the building height. It was Staff's assumption that the goal of having the building height in the zone was to prevent the need to set it in the master plan. While this is generally true in White Flint, in some cases, the Sector Plan limits the height to less than allowed in the zone. For some of these properties, the only way to know that the height is less than the amount allowed by the zone is by checking the diagrams. For example, the Rockwall property in NoBe (North Bethesda) is zoned CR 4: C 3.5, R 3.5, H 300. The only way to know that the height is intended to be limited to less than 300 feet is through Figure 27 (page 36) and other figures that display height. Staff believes that this adds an unnecessary level of confusion. If the Committee supports the CR zone, then Staff believes the CR zone should reflect the height limit.

METRO WEST DISTRICT

The Metro West is District is discussed on pages 30 to 31. This 54-acre district bounded by Old Georgetown Road, Nicholson Lane, and Rockville Pike, forms the western part of the Sector Plan and includes the Aquatic Center, Wall Local Park, and the Bethesda North Conference Center and Hotel, as well as the Metro Station entrance.

Block 1: Conference Center

Page in Plan: 30 and 31

Existing Zoning: TS-R Zone and C-2

Proposed Zoning: Rezone to CR 4: C 3.5, R 3.5, H 300 fronting on Rockville Pike. The remainder of the block should be CR 4: C 2.0, R 3.5, and H 250.

Summary of recommendations: This block includes the North Bethesda Conference Center and is surrounded by automobile sales and other commercial uses. The block includes a Metro Station entrance. The properties closest to Rockville Pike will have the greatest FAR (4.0) and highest heights (300') recommended in the Sector Plan. New road alignments will create small blocks and one of those blocks will be the location of the civic green.

Testimony: Steve Robins testified on behalf of JBG affiliated properties in support of the Sector Plan's recommendations.

Todd Brown testified on behalf of the Rockville Pike Partnership, owners of 2.26 acres of land located at 11610-11620 Rockville Pike (known as White Flint Station). He notes that 3 proposed right-of ways will significantly impact the property and that a 4.0 FAR is not likely to provide sufficient incentive for redevelopment. The size of the property makes it unlikely that it can achieve the recommended building height (300 feet). They also want to achieve the full density as a commercial, rather than mixed-use project. Finally they recommend that the CR zone contain a provision to allow density to be shifted between properties, provided the owners submit a unified sketch plan.

Montrose Associates Limited Partnership owns the southwest corner of Old Georgetown Road and Rockville Pike. (Popeye's and an Arby's restaurant at 11710 and 11720 Rockville Pike) They also note the impact of required rights of way on all 4 sides of their property and also believe that a 4.0 FAR would not provide incentive for building heights to exceed 6 stories. They believe a higher FAR is required to justify a high rise building and request an FAR of 5.5 or 6.0. They also object the limits on commercial density and believe that mixed-use is not practical for small sites. Density transfers between parcels should be encouraged for parcels within same Metro West District. (They also requested that the alignment of Market Street and Woodglenn Road be placed so as to minimize the dedications required from the site, in order to avoid aggravating the reduction of the footprint.)

Scott Wallace testified on behalf of Old Georgetown SAAB Property, LLC and Old Georgetown Nissan Property, LLC, the owners of approximately 3.25 acres of land. The owners generally support the Draft Sector Plan's recommendations for possible mixed-use redevelopment in the future but are concerned about the impact of the recommended road improvements. They recommend that an explicit statement be added to the Sector Plan indicating that "the recommendations regarding the design, size, and location of public improvements and amenities, including right of way widths, are illustrative guides only, and the requirements for specific public improvements may be modified if necessary to make redevelopment economically feasible."

The Council also received significant testimony regarding the civic green proposed for this area. This issue was discussed at the last worksession and Staff will propose revised language related to the civic green at a future worksession.

Staff Comments: Redevelopment of a higher density area cannot guarantee that smaller property owners will be able to redevelop their properties to the maximum allowed under the zone unless they are assembled with other properties or take advantage of the density transfer provisions in the proposed CRR zone. In fact, master plans frequently encourage such assemblage. The 300 foot limit is a maximum, not a recommended height, and zoning should not be changed to ensure that the property owners will reach the maximum height. The increased densities requested by 2 of the smaller properties are not appropriate and Staff recommends against increasing the FAR beyond 4.0. Staff support the Master Plan strategy of encouraging, but not requiring, mixed-use development on these properties. While Staff is sympathetic to the concerns of property owners regarding the impact of new right-of-ways on their properties and has no objection to indicating that alignments may be modified, Staff does not recommend language be added to Plan to indicate that alignments should be adjusted to ensure the economical feasibility of property.

Block 2: Wall Local Park and Aquatic Center

Page in Plan: 30 and 31; Block 2

Existing Zoning: PD-9, C-2, R-90 and O-M

Proposed Zoning: Confirm the PD-9 and R-90 zones on Wall Local Park. Rezone the rest of the block to CR 3: C 1.5, R 2.5, H 70.

Summary of land use recommendations. A 3.0 FAR with a height limit of 70 feet is recommended to ensure a transition in height and density between Block 1 at the Metro station and the existing residential development across Old Georgetown Road. The area is intended to be primarily residential. The Sector Plan also recommends the redesign of Wall Park with more active outdoor facilities (see page 62).

Testimony: Stephen Kaufman testified on behalf of Gables Residential. They support CR and a maximum FAR of 3.0 but request the flexibility to build an entire residential development at 3.0 FAR (CR 3.0, C 1.5, R 3.0 H 70), especially since it is a small site. They support the Sector Plan recommendation for shared parking with Wall Park and the Montgomery Aquatic center.

Staff Comments: The request to allow full density via a single use instead of the mix of uses recommended in the Plan is not unique to the Gables property and Staff believes the Sector Plan should support the mixed-use vision of the Plan. By not allowing property owners to achieve full density under a single use, an incentive is created for mixed-use development. The recommended zoning allows the Gables to achieve 2.5 FAR of residential development and does not require commercial development. Staff supports the Sector Plan recommendations.

Block 3: Holladay

Page in Plan: 31

Existing Zoning: TS-M, TS-R, and C-2

Proposed Zoning: Confirm existing TS-R zoning (the Grand and Wisconsin). Rezone the TS-M zoned Holladay property and the C-2 property at the corner of Nicholson Lane and Rockville Pike to CR 4: C 3.5, R 3.5, H 300.

Summary of recommendations: The recommended rezoning would allow for a higher density mixed-use development at this important location near the Metro Station. The Holladay property is currently subject to a development plan with a maximum 2.2 FAR. If the owners choose to take advantage of the greater potential FAR of the CR zone, the new plan will be subject to the requirements of the CR zone.

Staff Comments: Staff supports the Sector Plan recommendations.

METRO EAST DISTRICT

Metro East forms the eastern half of the core area and contains the North Bethesda Center project, the Washington Metropolitan Area Transit Authority (WMATA) property and the Forum, an older residential high rise. Along Old Georgetown Road, between Rockville Pike and Nebel Street, are the recently built Sterling, Gallery, and White Flint Station mixed-use, high-rise developments.

Block 1: North Bethesda Center

Page in Plan: 32

Existing Zoning: TS-M

Proposed Zoning: CR 4: C 3.5, R 3.5, H 300 on the western portion of area closest to Rockville Pike. CR 4: C 2.0, R 3.5, H 250 on the land between Citadel Road Extended (Chapman/Oak Grove) and Wentworth Place. CR 3: C 1.5, R 2.5, and H 200 for the remaining TS-M area and the I-1 parcels. This will allow for assembly or independent redevelopment.

Summary of recommendations: The North Bethesda Center development is a planned mixed-use development with high rise multifamily residential, child daycare, office, and retail development. The recommended zoning may provide for additional density, which is appropriate given the proximity to Metro. The land use and zoning strategy allows the highest densities and heights closest to Rockville Pike and then transitions to a reduced the height and then density as the distance from Rockville Pike and Metro increases.

Testimony: Steve Robins testified on behalf of JBG affiliated properties in support of the Sector Plan's recommendations. Jolles Property; (11720 Nebel Street) supports the Sector Plan recommendations.

Stephen P. Elmendorf and Mike Smith, testifying on behalf of LCOR, supported the Plan recommended land use and zoning but believe it is critical to appropriately grandfather properties with approved plans and consider how to address financing for property owners who have committed to paying for infrastructure through previous approvals (by making that infrastructure eligible for any new financing mechanism).

Staff Comments: The CR zone includes grandfathering provisions. Staff concurs that the financing strategy will have to address how to treat previously approved projects that required significant infrastructure contributions, and this issue should be addressed when the Committee discusses financing options.

Block 2: Sterling

Page in Plan: 33

Existing Zoning: TS-M, O-M, R-H, and I-4

Proposed Zoning: Confirm TS-M Zone on properties along the north side of Old Georgetown Road. Confirm the O-M Zone on the existing office buildings and the R-H Zone on the Forum property. Rezone the I-4 properties to CR 3: C 1.5, R 2.5, and H 200.

Summary of land use recommendations: The Sector Plan recommends the confirmation of existing zoning on properties that are built-out where there is an assumption that redevelopment will not occur in the life of the Sector Plan. Rezoning to the CR zone is recommended for properties that may develop in the life of the Sector Plan. The Plan recommends confirming the TS-M Zone on properties along the north side of Old Georgetown Road since the mixed-use development is recent and there is little likelihood of redevelopment over the Plan's lifetime. Confirm the O-M Zone on the existing office buildings and the R-H Zone on the Forum property. The Plan recommends rezoning the I-4 properties to CR 3. This will allow existing properties to continue in their current uses, but if future redevelopment is desirable, mixed use is possible.

Testimony: Anne C. Martin, spoke on behalf of the Forum Condominium. This property is currently zoned R-H and at 1.28 FAR is built to the maximum allowed by the zone, which is significantly less than recommended for surrounding properties. Although they have no immediate plans for additional development, they request the same zoning strategy as surrounding properties to allow for longer term additional development. Specifically they request CR zoning: CR 3.5: C 0.5, R 3.0, H200. The Council also received testimony from residents of the Forum Condominiums also supporting the CR 3.5 zone. Residents note that the Forum has an underdeveloped area of approximately 2-acres in the northeast corner that is adjacent to the planned and funded extension of Maple/Chapman Avenue.

Staff Comments: Staff supports the rezoning to the CR zone, but questions whether this is the correct density or whether the site should be limited to a 3.0 FAR similar to the properties to the east and north. The Planning Board will be considering this issue at their meeting on December 3 and will report to the Committee at the meeting.

MID-PIKE DISTRICT

The Mid-Pike District is described on pages 34 to 35 of the Sector Plan. It is located west of MD 355 and contains the Mid Pike Plaza and the property owned by the State Highway Administration (SHA). Redevelopment in the district should retain its regional marketplace function and include residential and civic uses.

State Highway Administration property

Page in Plan: 34 and 35

Existing Zoning: C-2

Proposed Zoning: C-2 (north of Montrose Road); CR3: C1.5, R 2.5, and H200 (SHA property south of Montrose Road)

Summary of land use recommendations (see pages 50 and 51): The property north of Montrose Road is recommended for public uses such as fire and rescue and police and therefore the Plan recommends retaining the C-2 zoning. The area south of Montrose Road is recommended for the same zoning as Mid-Pike plaza to allow assemblage of properties.

Testimony: The County Executive opposed the Plan's recommendations to site a fire and police station on the SHA property north of Montrose Road due to access concerns. (Staff from the Montgomery County Fire and Rescue Services (MCFRS) agreed to meet with Planning Department Staff to discuss different options to locate these facilities and this issue will be addressed at the Committee meeting on the 10th.)

Staff Comments: The Plan did not recommend changing the zoning on the northern portion of this block based on the assumption of public use. Staff believes that the land use and zoning for this property should be reconsidered after it is determined whether it will be the location for a fire and/or police station.

Mid-Pike Plaza

Page in Plan: 34 and 35

Existing Zoning: C-2

Proposed Zoning: CR 4: C 3.5, R 3.5, H 300 at the corner of Rockville Pike and Old Georgetown Road; the remainder should be zoned CR 3: C 1.5, R 2.5, H 200.

Summary of land use recommendations (pages 34 and 35): This area should be developed with a mix of uses, but a greater nonresidential focus at the highly visible corner of Rockville Pike and Old Georgetown Road. Provide a minimum of one-acre public use space that can be divided into smaller areas, such as urban plazas or neighborhood greens.

Staff Comments: While Staff supports the overall zoning strategy, it is unclear how CR 4: C3.5, R3.5 H300 will achieve the Plan's goal for nonresidential development at this corner and Staff recommends that the Committee discuss with the Planning Board and Planning Staff the merits of reducing the residential density to provide better ensure a commercial focus.

NOBE DISTRICT

The NoBe District is discussed on page 36 to 39. This area contains office buildings, commercial properties, and the North Bethesda Market mixed-use development. The western edge adjoins existing residential development. The land uses recommendations are intended to provide new opportunities for mixed uses and public use space while ensuring a buffer for existing residential communities.

Block 1: Water Tower

Page in Plan: 37

Existing Zoning: TS-R and R-90

Proposed Zoning: Confirm the TS-R Zone on the existing Fallswood residential property. Rezone the R-90 properties along Nicholson Lane to CR 3: C 1.5, R 2.5 and H 200 on the northern portion along Nicholson Lane. The southern portion closer to Executive Boulevard should be zoned CR 3: C 1.5, R 2.5, and H 100.

Summary of land use recommendations: This block should be primarily residential. The height difference in this block is intended to allow taller heights opposite the Metro West District to the north and lower heights to the south where there is lower scale residential development. If the Washington Suburban Sanitary Commission (WSSC) site is no longer needed, it should be considered for public parkland. Locate a one half-acre neighborhood green on the Luttrell property.

Testimony: Steve Robins testified on behalf of JBG supporting the zoning but objecting to the Plan's recommendation for a ½ acre noting that the Luttrells previously dedicated their land for Wall Park and the property for the WSSC water tower and should not be required to make an additional dedication.

Staff Comments: Staff supports the zoning for this block. As noted at the prior Committee meeting, parkland will be an essential element to accompany increased development and Staff does not support any reduction in recommended parkland. All property owners required to provide parkland will either achieve the density elsewhere on the site or be compensated through acquisition.

Block 2: North Bethesda Market

Page in Plan: 37 and 38

Size of Property: 10 acres

Existing Zoning: TS-M and C-2

Proposed Zoning: Rezone properties fronting Nicholson Lane, Rockville Pike, and Security Lane to CR 4: C 3.5, R 3.5, and H 300. Rezone the remaining area closest to Woodglen Drive Extended to CR3: C1.5, R2.5, H100

Summary of land use recommendations: The Plan recommends rezoning the property closest to Rockville Pike (and the location of a signature 289-foot tall building on Rockville Pike in the North Bethesda Market project) to the highest densities and then decreases overall density and height closest to the lower scale residential development located west along Woodglen Drive.

Testimony: The Council received testimony from Steven Robins on behalf of JBG affiliated properties generally supporting the Plan recommendation but requesting that the properties north of Executive Boulevard closest to Woodglen Drive Extended have a height limit of 150 feet rather than the 100 feet recommended in the Sector Plan. They have asked for zoning of CR3, C1.5, R2.5, H200 since there is the Plan does not include any recommendations for CR3, C1.5, R2.5, H150.

Staff Comments: Staff supports the land use and zoning recommendations for this area. Consistent with the concerns expressed by Staff at the beginning of this memorandum, Staff thought the intent of the CR zone was to be able to recommend zones that describe the specific limits for the property and remove the need for master plan guidance on issues such as height. Staff is uncomfortable using a zone that allows a height of 200 feet and using the master plan to limit it to 150 feet. Unless Planning Department Staff believe it is appropriate to use a CR3, C 1.5, R 2.5, H150 zone at this location, Staff recommends keeping the area that was the subject of testimony at the zone recommended in the Plan.

Block 3: Security Lane

Page in Plan: 38

Existing Zoning: C-O

Proposed Zoning: Rezone the Rockwall property on the north side of Security Lane to CR 4: C 3.5, R 3.5, and H 300. Rezone the C-O Cascade property on the south side of Security Lane to CR 3: C 2.5, R 1.5 and H 150.

Summary of land use recommendations: Two office buildings, Rockwall and Cascade, are the primary uses along Security Lane between Rockville Pike and Woodglen Drive. The recommended rezoning will accommodate the highest densities and heights along Rockville Pike at a location where there are currently existing office buildings in excess of 3.0 FAR. The new zone will allow for some additional square footage if buildings are converted to mixed uses. The Plan indicates that redevelopment on the north side of Security Lane should transition between the 300-foot height in Block 2 and the 150-foot height recommended on the south side of Security Lane. (Figure 27 on page 36 shows a height limit of 200 feet.) The Plan recommends rezoning the C-O zoned Cascade property on the south side of Security Lane to CR 3: C 2.5, R 1.5, H 150 to continue to transition from the higher densities north to the lower densities south.

Testimony: The Council received testimony from Steven Robins on behalf of JBG affiliated properties generally supporting the Plan recommendation and the zoning but requesting that the properties closest to Rockville Pike have a height limit of 250 feet rather than the 200 feet shown in various figures in the Sector Plan (e.g., Figure 27 on page 36).

Staff Comments: As noted above, Staff questions having the master set height different than allowed by the zone. Substantively Staff has no problem with the property owner request for 250 foot height limits adjacent to Rockville Pike.

Block 4: Edson Lane

Page in Plan: 39

Existing Zoning: C-0, R-90/TDR, R-90, O-M, C-2,

Proposed Zoning: Rezone the C-0 and O-M properties north of Edson Lane to CR 2.5: C 2.0, R 1.25 and H 150.¹ Confirm the residential development and religious institution in the R-90/TDR Zone. Confirm the C-T Zone south of Edson Lane. Rezone the O-M and C-2 properties in Block 4 south of Edson Lane to CR 2.5: C 2, R 1.25, H 150.

Summary of land use recommendations: Office buildings, residential townhouses, a religious institution, and commercial properties comprise the Edson Lane block. This block is surrounded by the Crest of Wickford and old Georgetown Village residential communities. This block provides a transition between the higher density properties to the north and the lower density residential communities to the south

Testimony: The Crest of Wickford Condominium Association and Wickford Homeowners Association object to 150 foot height limits 100 feet from their single family community and support lowering building heights to a maximum of 50-75 feet. (Although their correspondence indicates that a previous draft of the Sector Plan showed a lower height, Planning Department staff indicate that the Public Hearing Draft had a higher height.)

Staff Comments: The block just north of Edson Lane and west of Rockville Pike (see map on page 36) is both close to the highest density development recommended for the Sector Plan area and the lowest density residential communities and there are different options for transitioning between these two uses. With heights to the north of 150' and to the south of 50', a 100' limit on this property may be appropriate.

Block 5: Hillery Way

Page in Plan: 39

Existing Zoning: C-2 and R-90

Proposed Zoning: Recommend RT 12.5 Zone as suitable for the R-90 zoned properties. Rezone the C-2 property to CR 1.5, C 0.75, R 1.5, H50

¹ Figure 28 on page 37 and the first bullet on page 39 **incorrectly** describe the recommended zoning for this area and the text above shows the intended zoning.

Summary of land use recommendations: This block transitions to residential communities to the immediate south and west. Hillery Way provides the only access to the residentially- zoned areas. Townhouse development will allow a transition to the existing community. Rezone the C-2 property at the corner of Rockville Pike to CR 1.5 to complete the density transition to the Plan's southern boundary. This zone allows for all residential development if desirable.

Staff Comments: Staff supports the land use and density recommendations in the Sector Plan but believes that any increase in residential density should be accomplished via Transferable Development Rights (TDRs) and therefore recommends changing the RT 12.5 recommendation to an equivalent TDR zone.

MAPLE AVENUE DISTRICT

The 30-acre Maple Avenue District is discussed on page 40 to 41. This area includes State of Maryland property for the Montrose Road Interchange, an area with low-scale industrial and commercial uses unlikely to redevelop in the short term, and the Montrose Shopping Center.

Page in Plan: 40 to 41

Existing Zoning: I-4, C-2, O-M and R-90

Proposed Zoning: Confirm the O-M, R-200, and RMX/3C zoned properties. Confirm the I-4 zoning on the three properties located on the north side of Randolph Road; redevelopment of these small properties is unlikely. Confirm the C-2 Zone on the historic Montrose School property. Rezone the remaining I-4 properties (Montrose Shopping Center and the properties on Maple Avenue) to CR 3: C1.5, R 2.5 and H 200.

Summary of land use recommendations. The Plan recommends reconfirming existing zoning of properties built out or unlikely to redevelop. For much of the area south of Randolph Road, the Plan recommends CR zoning and notes that residential uses are unlikely at the intersection of Randolph and Montrose Roads. The density map indicates that lower heights (150 feet) are generally intended for this area. Building heights should transition from the core, but it may be desirable to have a taller building define the corner of Randolph Road and Nebel Street.

Testimony: The Council received testimony from the Washington Real Estate Investment Trust (whose property straddles the Maple Avenue and Nebel Districts) in support of the Sector Plan's land use recommendations.

Staff Comments: Staff supports the land use recommendation in the Sector Plan. Staff questions why a CR zone that allows a height of 200 feet was selected when the entire area is shown in Figure 40 as having a 150' height limit. Given the Plan's assertion that residential development is unlikely at the intersection, Staff also questions the use of a zone that allow more residential development than commercial and limits commercial development to 50% of total FAR. One Option would be to use a different CR at the intersection which allows greater commercial development.

NEBEL DISTRICT

The Nebel District is discussed on page 42 to 43 of the Sector Plan. The Washington Gas facility and the Montgomery County Pre-Release Center are two public uses in this district which lies alongside the

CSX tracks. Some properties in this district, including the Randolph Shopping Center, have redevelopment potential.

Page in Plan: 42 to 43

Existing Zoning: I-4 and C-2

Proposed Zoning: Retain the I-4 zoning on the County Pre-Release Center and Washington Gas facility. The I-4 zoned Montouri and Washington Real Estate Trust (WRIT) properties north of the Washington Gas facility should be rezoned CR 3: C 1.5, R 2.5, H 200. Rezone the five C-2 properties at the southern end of Nebel Street and Nicholson Lane to CR 3, C 1.5, R 2.5, H 100 to allow for mixed uses.

Summary of land use recommendations The northern portion of the site is recommended for CR3 zoning with a 200' height limit to encourage as much residential development as possible. Signature buildings, between 150 and 200 feet tall may be located at the terminus of Old Georgetown Road and Nebel Street or at the intersection of Randolph Road and Nebel Street, in conjunction with development in the Maple Avenue District. The southern tip is also recommended for CR3, but with a lower height limit.

Testimony: The Council received testimony from the Washington Real Estate Investment Trust (whose property straddles the Maple Avenue and Nebel Districts) in support of the Sector Plan's land use recommendations.

Staff Comments: While Staff might have suggested rezoning the Washington Gas and Pre-Release Center to a CR zone to allow redevelopment if these properties ever choose to relocate, Staff does not believe the Committee should increase densities and further impact the imbalance between land use and transportation. Therefore, Staff supports the Sector Plan recommendations.

NRC DISTRICT

The Nuclear Regulatory Commission (NRC) District is discussed on page 44 and 45. This area includes the headquarters of the Nuclear Regulatory Commission (NRC), Strathmore Court, a Housing Opportunities Commission (HOC) multifamily residential development, and a WMATA bus facility.

Page in Plan: 44 and 45

Existing Zoning: TS-M, I-1, and C-2

Proposed Zoning: Rezone Strathmore Court on the west side of Citadel Avenue to CR 4: C 3.5, R 3.5, H 300. Rezone properties south and east of the NRC and west of Citadel Avenue as C 4: C 3.5, R 3.5, H 300. The western portion of the WMATA property (currently zoned TS-M) should be rezoned CR 4: C 2.0, R 3.5, and H 250. The remaining WMATA property (zoned I-1 and C-2) should be rezoned CR 3: C 1.5, R 2.5, and H 200.

Summary of land use recommendations: The land use strategy is confirm zoning on properties unlikely to redevelop and place the highest densities closest to Rockville Pike and the Metro station and lower densities and heights in the eastern portion of the District. The WMATA property has the greatest potential for redevelopment.

Testimony: Steve Robins testified on behalf of JBG affiliated properties in support of the Sector Plan's recommendations. Jack Fitzgerald and B. F. Saul support the Sector Plan recommendations. The

Council received testimony from WMATA asking to retain their existing zoning because they are concerned that the CR zone “may impose limitation on Metro’s current and future operating flexibility potentially hampering Metro’s ability to provide high-quality service to the routes served by the Montgomery County Division.”

William Kominers testified on behalf Naples Commercial, LLC/White Flint View, located in the northeast corner of Nicholson Lane and the extension of Citadel Avenue. This property is currently zoned C-2, with an approved preliminary plan for a mixed-use, high-rise residential building with retail uses along Nicholson Lane (2.4 FAR). Naples wants to preserve the option to develop under the existing preliminary plan, the new CR zone, or a combination of the two. Specifically, they would like to increase the size, but not the number of units, allowed under the existing preliminary plan (increasing average unit size from 900 square feet to 1,400 square feet). They also request specific language in the Sector Plan to grandfather the existing plan, and allow them to build to the 3.5 FAR. Naples also requests that language be added to the Sector Plan that no additional contributions for infrastructure should be required for this Property because of the dedication of right-of-way for the extension of Citadel Avenue.

Staff Comments: Staff is somewhat perplexed by WMATA’s position regarding the recommended change in zoning for this property since it significantly increases development potential (and value) while not creating new limitations. Should Metro continue to operate its bus facility, the change and zoning itself would not impact their ability to continue operations (although new surrounding residential development could place pressures on WMATA to limit activities that adversely impact surrounding residents irregardless of the zone on the WMATA property). Should they decide to relocate the bus facility, the recommended change in zoning would significantly increase the value of the land they sell. Absent any new information, Staff supports the Sector Plan recommended zoning and densities.

While Staff supports the larger units proposed by Naples, Staff does not support providing the additional density (approximately 50% more than the amount approved) without requiring the property owner to provide the public benefits required under the CR zone in exchange for additional density. Staff does not support specific grandfathering provisions for individual properties since grandfathering should be set in the zone, not a master plan. (Moreover, if it were to be set in a master plan, the Sector Plan would need grandfathering provisions for each property in the Plan.) Staff does not support adding language to the Sector Plan exempting them from future contributions for infrastructure. If they decide to develop under the current approved plan, no future infrastructure will be required. If they develop at a higher density under the CR zone, it would be appropriate to reconsider the infrastructure contribution.

WHITE FLINT MALL DISTRICT

The White Flint Mall District is discussed on pages 46 to 49. This District is the largest district in the Sector Plan (88 acres) and includes office, commercial and industrial uses, including White Flint mall. Single family residential neighborhoods border this area on the south and east. Almost the entire district is recommended for CR zoning to promote mixed-use development.

The Council received testimony generally objecting to the height of development for properties close to the single family residential neighborhoods to the south and east, with one person suggesting that the Sector Plan recommends densities of 150 feet adjacent to the lower density neighborhoods. Staff recommends that the Committee ask Planning Department to address this issue at the worksession, but it

appears from Figure 39 on page 46 that the properties directly adjacent to lower density residential neighborhoods are all limited to 50' or 70', some with additional buffering.

Block 1: Fitzgerald and Eisinger

This block contains commercial properties located at the northwestern and northeastern corners of the intersection of Huff Court and Nicholson Lane. The Fitzgerald property has frontage along Rockville Pike, while the Eisinger property is located at the northeastern intersection of Nicholson Lane and Huff Court. Uses include an automobile sales center, office buildings, and a commercial shopping center.

Page in Plan: 47

Existing Zoning: C-2

Proposed Zoning: Rezone land west of Huff Court (Fitzgerald property, a closed gas station, and some smaller properties) to CR 4: C 3.5, R 2.0, and H 250. Rezone land east of Huff Court (Eisinger property and two lots owned by Lerner/Tower) to CR 3: C1.5, R 2.5 and H 200.

Summary of land use recommendations: The Plan supports a mix of uses for the entire area but notes that residential development may be less feasible at the corner of Nicholson Lane and Rockville Pike, but should be encouraged to the east. Affordable housing, especially Workforce Housing, may be appropriate at this location in conjunction with redevelopment of western portion of Block 1.

Testimony: Jack Fitzgerald and B. F. Saul support the Sector Plan recommendations.

Staff Comments: Support the Sector Plan recommendations.

Block 2: White Flint Plaza

White Flint Plaza is a commercial shopping center. The shopping center has surface parking and several single-story buildings. There are some long-term leases in this shopping center that may affect the timing of redevelopment. A new neighborhood green up to one half acre is proposed when the shopping center is redeveloped. The block is under single ownership.

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Existing Zoning: C-2

Proposed Zoning: A proposed local street will divide the property. Rezone the western portion to CR 3: C 1.5, R 2.5, and H 200. Rezone the eastern portion to CR 2.5: C 1.25, R 2.0, and H70.

Summary of land use recommendations: The C 1.5 and C 1.25 designations will accommodate the existing shopping center. As shown on the Density and Height map, development on this property should transition between Block 1 and Block 3. Development on the western half should have 150-foot heights to ensure a transition between Block 1 and the eastern portion. The eastern portion should have a density of 2.5 and a maximum height of 70 feet to ensure compatibility with Block 3.

Testimony: Combined Properties, owners of White Flint Plaza (and their attorney Erica Leathem) generally support the Plan but oppose the split zoning (CR 3.0 and CR 2.5) for the White Flint Plaza and believe it would “create a jarring transition at an arbitrary zoning line. They prefer that the entire property be rezoned to the CR3 zone.

Staff Comments: Since Planning Department Staff consider any combination of the four elements of the CR zone to be a different zone, many, if not most of the properties are split zoned. Staff supports the Sector Plan recommended zoning, which provides an appropriate transition to the lower densities to the east and south. The Planning Board review of sketch plans will prevent any jarring transactions. If the property owner feels strongly that there should be a single total FAR for the entire property, it should be FAR 2.5 instead of FAR 3.0.

Block 3: Nicholson Court

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Existing Zoning: I-4

Proposed Zoning: Rezone the entire block to CR 2.5: C 1.25, R 2.0, and H 70 for a transit-oriented neighborhood centered on the MARC station.

Summary of land use recommendations: Light industrial and commercial uses, including a Ride-On bus parking facility and warehouses, are the primary uses in this block. Redevelopment in this district is likely to take place in the long-term. This block could redevelop as a residential enclave with local services. The C 1.25 will accommodate existing commercial FAR on individual properties. The MARC station will be located in this block and there may be some interest in combining Ride-On bus storage and MARC parking facilities. Nicholson Lane, the northern boundary, crosses the CSX tracks and will provide excellent east-west access to the MARC station. Any new development must provide transitions in height and density to the adjacent single-family residential community.

Staff Comments: Since the zoning for this property was based was the assumption that a MARC station would be located here, the Committee may want to discuss with the Planning Department and Board members whether they still believe this area is appropriate for CR zoning or whether it may be preferable to retain the existing I-4 zoning in light of the shortage of I-4 zoning Countywide and the distance from the Metro Station.

Block 4: White Flint Mall

The White Flint Mall is the Plan area's largest property and has been home to premier department stores for 40 years. Two of the stores, Bloomingdale's and Lord & Taylor, own their buildings, which has implications for redevelopment. There are two medical office buildings along Rockville Pike south of the mall. White Flint Neighborhood Park is to the immediate east and Garrett Park Estates is to the immediate south.

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Existing Zoning: R-90, C-2, C-T, and C-O

Proposed Zoning: Rezone four C-2 acres adjacent to Block 1 to CR 4: C 3.5, R 2.0, H 250. Rezone the existing R-90 and C-T portions to CR 1.5, C 0.75, R 1.5, and H 50. Rezone the central portion to CR 3.0: C 1.5, R2.5, and H 200. Confirm the C-O zoning on the medical office building properties.

Summary of land use recommendations: New vertical residential and nonresidential uses are intended to transform this property. New public amenities and facilities, public uses, neighborhood

greens, and an expanded road network will create walkable blocks. Using the WMATA tunnel as a pedestrian promenade will enhance this block and improve pedestrian access. Development along Rockville Pike should be denser and the buildings taller than the eastern segment of the property. The White Flint Mall property will be split zoned to provide appropriate transitions between Rockville Pike, the expanded White Flint Neighborhood Park, and residential communities to the south and east. The Density and Height map indicates height bands across the central portion, with taller buildings to the north, lower buildings in the middle (150 feet) and the southern portion (100 feet) as shown in height and density maps. The heights shown on the map demonstrate this Plan's intent that heights decline as buildings move from the north and west of the site toward the southern and eastern edges of the zone.

This property presents at least one option for the location of an elementary school. **This will be addressed a subsequent PHED meeting.**

Testimony: Robert Brewer testified on behalf of Lerner Enterprises and The Tower Companies (Abramson family), owners of White Flint Mall. They supported the Sector Plan's land use recommendations but expressed concerns about the CR zone and the potential to locate a school on their property.

Natalie Goldberg expressed concern regarding the portion of the area directly abutting the single family residential neighborhoods and recommended for CR 1.5, C 0.75, R 1.5, H50. She expressed concern about allowing 0.75 commercial FAR and believes the commercial FAR should be capped at 0.25 and also questioned whether the dedication of a school site could result in higher density on this portion of the property.

Staff Comments: Staff's earlier concerns about having heights different than those indicated in the zone apply to this property as well, but Staff supports the substantive land use recommendations for this property. While the dedication of a school or park site could result in higher densities elsewhere on the site, the density would most likely be transferred to a more dense area and not in areas meant to serve as transitions to residential neighborhoods. Staff questions whether there is a reason to allow up to 50% commercial development on the area directly adjacent to single-family detached homes and recommends the Committee discuss with Planning Department staff whether a lower amount of commercial development would be appropriate on the two areas recommended for CR 1.5 (see page 48).