

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850

IN THE MATTER OF:)
TRI POINTE HOMES DC, INC)
Applicant.)
)
Giovanni Esposito)
Sachin Kalbag)
Michael Goodman)
Nick Driban)
)
For the Application.)
)
Patrick L. O'Neil, Esquire)
Vincent G. Biase, Esquire)
Attorneys for the Applicant.)

Zoning Application No. H-156

APPLICANT'S PRE-HEARING STATEMENT

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Zoning Cases, the Applicant, Tri Pointe Homes DC Metro, Inc., submits this Pre-Hearing Statement (the "Statement"). The Applicant hereby incorporates by reference its Land Use Report, submitted with the Local Map Amendment Application, which contains additional information in support of the application and justification for the rezoning request.

I. STATEMENT OF GROUNDS UPON WHICH THE CASE IS BASED AND JUSTIFICATION FOR THE REZONING APPLICATION.

The property subject to Local Map Amendment H-156 (the "LMA") is prominently located directly to the west of Crabbs Branch Way, approximately 510 feet north of its intersection with East Gude Drive in Derwood, Maryland. The property comprises approximately 12.72 acres of net lot area and is more specifically identified as "Parcel D" in the "Gude North" Subdivision, as recorded in the Land Records of Montgomery County, Maryland (the "Land Records") in Plat Book 118 at Plat No. 13905 (the "Property"). As shown on the Floating Zone Plan (the "FZP"),

the Property has a combined (net) Lot area of approximately 554,435 square feet and a (gross) Tract area, including prior right-of-way dedications, of approximately 603,855 square feet (or ± 13.86 acres).

The Property is currently zoned IM-2.5, H-50' and is improved with mostly vacant commercial office buildings. Specifically, the Property is currently improved with four 1980's-era buildings that range from one to three stories in height and comprise approximately 177,126 square feet of gross floor area. The Property is also improved with a surface parking lot that contains approximately 634 parking spaces, 15 ADA handicap spaces, and six designated motorcycle spaces. The LMA seeks to rezone the Property to the Commercial Residential Neighborhood Floating Zone ("CRNF") - CRNF-1.25, C-0, R-1.25, H-60' to accommodate redevelopment of the Property with new housing.

The proposed development consists of a complementary mix of residential uses, including two-unit condominiums and townhomes to provide a maximum of 210 new units of desired housing in the Derwood community (the "Project"). The proposed residences are to be located along a new, compact tree-lined street block system, and are supported by an open park space and various recreational areas including children's play areas. The requested rezoning and proposed Project satisfies all of the purposes and requirements of the CRNF Zone (Zoning Ordinance, Section 5.3) and is in substantial conformance with the 2006 *Shady Grove Sector Plan*, as amended by the 2021 *Shady Grove Minor Master Plan Amendment* (collectively, the "Sector Plan"). The requested rezoning also satisfies all necessary findings contained in Zoning Ordinance Section 7.2.1.E, for approval of an LMA. Compliance with these requirements is discussed in detail in the Applicant's Land Use Report.

The CRNF Zone and proposed development of the Property will be compatible with the surrounding development. Through its proposed combination of high-quality housing and meaningful open space, the Project will transform the aging, underutilized office space on site into a vibrant, context-sensitive residential community in close proximity to employment centers, transit, and amenities. It will also replace significant surface parking areas with an abundance of new green and open spaces for a net environmental improvement for the area. The Project responds to its surroundings and has been designed to implement urbanist planning and design elements to promote the open space character envisioned by the Sector Plan and providing a compatible transition to adjacent residential neighborhoods to the east. To this end, the Project will transform the existing office complex and associated surface parking into a series of smaller blocks organized around an internal street grid that will not only provide additional housing but also promote connectivity within the site and to the surrounding community. Additionally, the Project will include 15% MPDUs (up to 32 dwelling units) to provide high-quality affordable housing to the Derwood community and advance both the General Plan's "Housing for All" goal and the affordable housing goals of the 2021 *Shady Grove Minor Master Plan Amendment*.

Adequate public facilities and services will be available to serve the Project. Since a Preliminary Plan will be filed subsequent to the LMA approval, the Montgomery County Planning Board (“Planning Board”) will be responsible for determining whether Adequate Public Facilities (“APF”) exist to support the proposed development of the Property at the time of Preliminary Plan. Nonetheless, the Applicant’s Land Use Report confirms that the public facilities will be more than adequate to serve the proposed development.

A Traffic Statement prepared by Lenhart Traffic Consulting, Inc. has been submitted in connection with this Application. The Property falls within the Orange Policy Area in the current FY 2020-2024 Growth and Infrastructure Policy. An analysis of peak hour person trips generated by the proposed development was performed in accordance with the 2022 update to the Maryland-National Capital Park and Planning Commission's Local Area Transportation Review (LATR) Guidelines. As mentioned, the Property is currently improved with approximately 177,126 square feet of gross floor area of office uses. The Project is expected to generate 222 AM peak hour and 262 PM peak hour total person trips, and 145 AM peak hour and 170 PM peak hour total auto-driver (vehicle) trips, based on the LATR Guidelines methodology for calculating person and vehicle trips. The existing uses generate 366 AM peak hour and 357 PM peak hour person trips, and 278 AM peak hour and 271 PM peak hour vehicle trips. Therefore, the proposed redevelopment will result in a reduction of 144 AM peak hour and 95 PM peak hour new person trips and 133 AM peak hour and 101 PM peak hour new vehicle trips.

The Property is served by College Gardens Elementary School, Julius West Middle School and Richard Montgomery High School. The current FY 2024 Subdivision Staging Policy Schools Test indicates that all three school levels are operating with adequate capacity. As such, there is adequate school capacity to accommodate the Project and no Utilization Premium Payments are currently required. The Property will be served by existing public water and sewer mains. The Property is located within water and sewer categories W-1 & S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission through connections to the existing water and sewer lines located in the abutting rights-of-way. Electric, gas and telecommunications services are also available to serve the Property. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Property and will continue to be sufficient following construction of the Project.

The evidence to be presented will demonstrate: (1) that the subject LMA satisfies the requirements of the CRNF Zone as set forth in Zoning Ordinance Section 59-5.3; (2) that the available public facilities and services will be adequate to serve the proposed development under the Growth and Infrastructure Policy; (3) that the LMA substantially conforms with the recommendations of the Sector Plan for the Property and will be compatible with the surrounding

area; and (4) that approval of the LMA complies with the required findings contained in Zoning Ordinance Section 59-7.2.1.E.

II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING

1. Land Use Report; and
2. Traffic Statement prepared by Lenhart Traffic Consulting, Inc.

These reports already have been submitted into the record in connection with the LMA Application.

III. SUMMARY OF EXPERT TESTIMONY

At the present time, the Applicant intends to call the following expert witnesses to testify in support of the rezoning application:

1. Sachin Kalbag, Land Planner with VIK A Maryland, will testify as to, among other things, the physical characteristics of the Property, the proposed Floating Zone Plan, the open area provided in connection with the proposed LMA, and the proposed LMA's substantial conformance with the Master Plan and compliance with the Zoning Ordinance.
2. Michael Goodman, Civil Engineer with VIK A Maryland, will testify as to, among other things, the physical characteristics of the Property, the proposed Floating Zone Plan, the proposed stormwater strategy for the redevelopment of the Property, relevant engineering plans submitted in support of the LMA, and the adequacy of public facilities to serve the Project.
3. Nick Driban, transportation planner with Lenhart Traffic Consulting, Inc., will testify as to the Traffic Impact Analysis prepared for the LMA.

The resumes of the above identified expert witnesses are attached. (*See Exhibit 1*). The Applicant reserves the right to call additional expert witnesses if it deems necessary.

IV. OTHER WITNESSES WHO WILL TESTIFY

In addition to the above expert witnesses, the Applicant also will have the following witness testify:

1. Giovanni Esposito, Land Entitlements Manager with Tri Pointe Homes.

V. ESTIMATED TIME REQUIRED FOR PRESENTATION

It is estimated that 3-4 hours will be required for the Applicant to present its case in chief. This submission is intended to satisfy the requirement of the Rules of Procedure for Zoning Cases. If it is subsequently determined that new or supplemental information is necessary, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

By: 
Patrick L. O'Neil

By: 
Vincent G. Biase

Exhibit 1



Sachin Kalbag, AICP

Planning and Urban Design Leader

With over 25 years of leadership experience in urban design, architecture, land use and development from concept, design development, entitlement, permit to occupancy, in both the private and public sectors, Mr. Kalbag's diverse portfolio includes built examples of transforming downtowns, neighborhoods, and commercial corridors across the United States, resulting in places that enhance the quality of life for people. These accomplishments required working with elected officials and municipalities within a multi-discipline team of design professionals, neighborhood, and business organizations, on small to large scale projects, negotiating outcomes and building consensus among diverse groups within a public process.

Areas of Professional Expertise

- Site Inventory & Property Analysis
- Feasibility & Yield Studies
- Urban Design & Planning
- Rezoning & Map Amendments
- Site Planning
- Zoning & Regulatory Review
- Expert Testimony
- Special Exception & Conditional Use Plans
- Variances & Waivers
- Public Meetings

Selected Projects

- Potomac Woods, Rockville, MD, City of Rockville*
- King Farm "Farmstead", Rockville, MD, City of Rockville*
- 1818 Chapman, Rockville, MD, City of Rockville*
- Wilgus II Northpark, North Bethesda, MD, Montgomery County
- Metro Standish "Centro Square", Derwood, MD, Montgomery County
- 7749 Old Georgetown Road, North Bethesda, MD, Montgomery County

* While employed at City of Rockville, MD

Professional Degrees and Accreditations

- M.ARCH, 1997, Architecture, University of California, Los Angeles (UCLA)
- B.ARCH, 1994, Architecture, California State Polytechnic University (Cal Poly)
- American Institute of Architects, Associate AIA, 30433493
- American Institute of Certified Planners, 027895
- LEED Green Associate

Market Sector Experience

- Transit Oriented Development
- Commercial
- Hospitality
- Local Government
- State/Federal Government
- Mixed-Use Development
- Retail
- Multifamily Residential
- Affordable Housing
- Infrastructure

Jurisdiction Experience

- Montgomery County, MD
- City of Rockville
- City of Gathersburg
- Prince George's County, MD



Michael B. Goodman, P.E.

Executive Vice President

Mr. Goodman has over twenty-five years of experience on land development projects from concept through construction administration phases. His areas of expertise cover many types of land development entitlement planning and civil engineering including urban re-development/in-fill, green field subdivisions, multi-family residential, single family residential, retail, office, lab/R&D, and other commercial projects. Mr. Goodman has extensive experience in several local jurisdictions including Montgomery County, City of Rockville, City of Gaithersburg, and Prince George's County. Mike has worked with VIKa for 19 years.

Areas of Professional Expertise

- Feasibility Analysis
- Preliminary and Site Plans
- Grading Plans
- Street Grade Establishment Plans
- New Roadway Plans
- Roadway and Streetscape Improvement Plans
- Water and Sewer Plans
- Storm Drain and Paving Plans
- Stormwater Management Plans
- Construction Administration

Selected Projects

- Crown Farm, Gaithersburg, MD, City of Gaithersburg
- Shady Grove Station, Rockville, MD, Montgomery County
- Farmstead, Rockville, MD, City of Rockville
- Tower Preserve, Rockville, MD, City of Rockville
- 8015 Old Georgetown Rd., Bethesda, MD, Montgomery County
- Montgomery Row, North Bethesda, MD, Montgomery County
- St. Angela Hall, North Bethesda, MD, Montgomery County
- 1910 University Blvd., Wheaton, MD, Montgomery County
- Polaris Square, North Bethesda, MD, Montgomery County
- Carroll Knolls Local Park, Wheaton, MD, Montgomery County

Professional Degrees and Accreditations

- Bachelor of Science, Civil Engineering, Pennsylvania State
- Maryland, Professional Engineer, #27721, 2002

Market Sector Experience

- Transit Oriented Development
- Multifamily Residential
- Single Family Residential
- Affordable Housing
- Mixed-Use Development
- Labs and Medical Facilities
- Infrastructure
- Parks/Recreation
- Commercial
- Educational

Jurisdiction Experience

- Montgomery County
- Prince George's County
- City of Rockville
- City of Gaithersburg

C. NICK DRIBAN, P.E., PTOE

SENIOR TRAFFIC ENGINEER

Mr. Driban has 17 years of experience in traffic engineering for various transportation planning, traffic modeling and simulation, traffic operations and safety analysis, traffic impact study, and data collection projects. Throughout his career, Mr. Driban has performed these services on projects within Montgomery County, as well as for clients throughout Maryland and around the Country. Mr. Driban has served as an active member on both the 2020- and 2024 Transportation Advisory Groups engaged with County staff to assist in their quadrennial update to the Growth and Infrastructure Policy, which governs transportation adequacy studies. In addition, Mr. Driban has provided expert witness testimony on traffic and transportation issues in Montgomery County before the Planning Board, Zoning Hearing Examiner, and Board of Appeals, as well as for numerous other jurisdictions throughout Maryland. His relevant experience includes:

SHA Access Management Division - Traffic Engineer

As an employee of the Maryland State Highway Administration's (SHA) Access Management Division, Mr. Driban was responsible for reviewing Traffic Impact Studies (TIS) and development plans throughout the State to determine compliance with the Maryland State Highway Access Manual. In this role Mr. Driban coordinated closely with local agency staff. Mr. Driban's primary responsibility was to review all Traffic Impact Studies to confirm that appropriate assumptions were used and provide guidance on required mitigation. Mr. Driban served as the primary point of contact in coordinating TIS reviews throughout SHA, and was responsible for providing comments to and coordinating with developers' engineers. Mr. Driban was also responsible for reviewing plans for new developments to provide recommendations related to access management.

SHA Districts 3, 4, 5, and 7 Traffic Engineering Services - Project Engineer

Mr. Driban has worked on hundreds of tasks to provide traffic engineering services for SHA on an as-needed basis throughout the state of Maryland, including within Baltimore County. He has prepared traffic operations and safety studies, including numerous traffic impact studies for rural, small-town, and urban areas throughout Maryland. Mr. Driban's assignments have included traffic impact studies, crash analysis and safety studies, pedestrian and bicycle facility evaluations, traffic signal warrant studies, access management evaluations, and signal timing and phasing analyses.

Montgomery County DOT Traffic Engineering and Operations Consulting Services - Task Manager

Mr. Driban managed traffic engineering tasks as part of back-to-back on-call contracts, including analyzing and recommending alternatives to improve pedestrian, bicycle, transit and vehicular operations and safety throughout Montgomery County, MD. Mr. Driban was responsible for overseeing traffic volume data collection, highway capacity analyses using an array of traffic software packages, conducting and reviewing traffic impact studies, corridor studies, safety studies, alternatives development, and/or conceptual design on nearly 50 tasks.

FIRM

Lenhart Traffic Consulting

YEARS OF EXPERIENCE

17

EDUCATION

BS, Civil Engineering

REGISTRATIONS

Professional Engineer:
Maryland (#40793)

Professional Traffic Operations Engineer (PTOE);
Institute of Transportation Engineers (#3442)

SPECIFIC SKILLS

- ✓ Traffic Impact/LATR Studies
- ✓ Transportation Safety Studies
- ✓ Traffic Modeling & Simulation Software
- ✓ Bicycle & Pedestrian Facility Design
- ✓ Parking Evaluations
- ✓ Traffic Signal Warrant Analyses
- ✓ ITE Trip Generation Studies
- ✓ Access Permit Coordination
- ✓ Roadway Safety Audits
- ✓ Alternatives Analysis
- ✓ Traffic Signal Timing and Coordination
- ✓ Intersection Safety/Capacity Improvements