

Montgomery Planning
WHITE OAK APARTMENTS
SKETCH PLAN NO. 320220050
PRELIMINARY PLAN NO. 120220060
SITE PLAN NO. 820220110



Description

The Sketch Plan, Preliminary Plan, and Site Plan applications propose to develop the Subject Property with a 5-story multifamily residential building with up to 359 units and two four-story buildings with up to 28 “two-over-two” multifamily units, for up to 443,400 square feet of residential development on 7.83 acres. The Project will include a minimum of 15% MPDUs. The Subject Property is located at 2220 Broadbirch Drive, Silver Spring within the 2014 *White Oak Science Gateway Master Plan* area.

Nos. 320220050, 120220060, 820220110
Completed: 06-27-2022

MCPB
Item No.
07-07-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

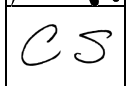
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LOCATION/ADDRESS

2220 Broadbirch Drive, Silver Spring

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

CRF-1.25, C-0.25, R-1.25, H-85

PROPERTY SIZE

7.83 acres

APPLICANT

White Oak Apartments, LLC

ACCEPTANCE DATE

2/23/2022

REVIEW BASIS

Chapters 50, 59, 22A



Summary:

- Staff recommends approval of the Sketch Plan, Preliminary Plan, and Site Plan applications.
- The Applicant proposes to construct a 5-story multifamily residential building and two four-story buildings of two-over-two units, for a total of 443,400 square feet of residential development, including a minimum of 15% MPDUs using the Optional Method of Development.
- The Applications include dedication and frontage improvements along Broadbirch Drive and dedication and improvements for Road A, a potential future connection to Whitehorn Court.
- The proposed development will redevelop a vacant commercial facility and provide housing within the *White Oak Science Gateway Master Plan* area.
- The Property is located within ½ mile of the Montgomery County Flash Bus Rapid Transit station, located at US 29 and Tech Road, serving the US 29 corridor.
- On May 11, 2022, the Planning Director granted a 30-day extension of the review period from June 23, 2022 to July 21, 2022.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 320220050

Staff recommends approval of White Oak Apartments, Sketch Plan No. 320220050, for up to 443,400 square feet of residential development on 7.83 acres of land, zoned CRF-1.25, C-0.25, R-1.25, H-85', in the 2014 *White Oak Science Gateway Master Plan*. The development must comply with the binding elements for Floating Zone Plan No. H-141 as listed in the County Council Resolution No. 19-1128. The following site development elements shown on the latest electronic version of White Oak Apartments Plan No. 320220050, as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below.

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 443,400 square feet of total residential development.

2. **Height**

The development is limited to a maximum building height of 75 feet, as measured from the building height measuring point shown on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefit categories listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at the time of Site Plan approval.

- a) Major Public Facility, achieved through construction of a master-planned road;
- b) Transit Proximity, achieved by being located between ¼ and ½ mile of a level 2 transit station;

- c) Diversity of Uses and Activities, achieved through providing a diverse dwelling unit mix and moderately priced dwelling units; and
- d) Quality of Building and Site Design, achieved through structured parking.

4. **Public Open Space**

The Applicant must provide a minimum of 10% of the Site Area as Public Open Space, totaling a minimum of 34,820 square feet.

PRELIMINARY PLAN 120220060

Staff recommends approval of Preliminary Plan No. 120220060, to create one lot and one outlot for the construction of up to 387 multifamily residential units (443,400 square feet) on 7.83 acres, zoned CRF-1.25, C-0.25, R-1.25, H-85', in the 2014 *White Oak Science Gateway Master Plan*. The development must comply with the binding elements for Floating Zone Plan No. H-141 as listed in County Council Resolution No. 19-1128. All site development elements shown on the latest electronic version of White Oak Apartments, Preliminary Plan No. 120220060, as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one lot and one outlot for up to 387 multifamily residential units (443,400 square feet) of residential uses, including a minimum of 15% MPDUs.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 1, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 12, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 5, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated April 18, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

9. The Applicant must comply with binding elements of County Council Resolution No. 19-1128 approving Local Map Amendment H-141.
10. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bike paths will be determined through the site plan review and approval process.
11. If an approved site plan amendment for the Subject Property substantially modifies the lot(s) or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan amendment.

ENVIRONMENT

12. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
13. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
14. Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Paint Branch watershed to satisfy the reforestation requirement for a total of 1.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Paint Branch watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.

TRANSPORTATION

15. The Applicant must develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the White Oak Transportation Management District prior to issuance of any building permit.

Existing Frontage Improvements

16. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate fifty (50) feet from the existing pavement centerline along the Subject Property frontage for Broadbirch Drive.
 - b) Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a 10-foot wide sidewalk and 14-foot green panel along the Property frontage on Broadbirch Drive.

New Streets

- a) The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes:
Road A, consistent with MC -2005.02, as modified by MCDOT.

RECORD PLATS

17. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

18. The record plat must show necessary easements.
19. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Notes and Labels

20. The record plat must reflect all areas under common ownership.

CERTIFIED PRELIMINARY PLAN

21. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
22. The certified Preliminary Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
23. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set
 - a) Include the approved Fire and Rescue Access plan in the certified set
 - b) Ensure consistency between Sketch, Preliminary, and Site Plans.

SITE PLAN 820220110

Staff recommends approval of Site Plan No. 820220110 for the construction of up to 387 multifamily residential units (443,400 square feet) on 7.83 acres, zoned CRF-1.25, C-0.25, R-1.25, H-85, in the 2014 *White Oak Science Gateway Master Plan*. The development must comply with the binding elements for Floating Zone Plan No. H-141 as listed in the County Council Resolution No. 19-1128. All site development elements shown on the latest electronic version of White Oak Apartments, Site Plan No. 820220110, as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 443,400 square feet of residential uses for up to 387 units, comprised of up to 359 multifamily residential units and up to 28 “two-over-two” multifamily residential units.

2. Height

The development is limited to a maximum height of 75 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units

- a) The development must provide a minimum of 15 percent MPDUs or MCDHCA -approved equivalent consistent with the requirements of Chapter 25A.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 34,820 square feet of public use space (10% of Site area) on-site.
- b) Before the issuance of the final use and occupancy certificates for the two-over-two residential units, all public open space areas on the Subject Property must be completed.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a) Major Public Facilities – Road A must be constructed according to the cross section shown on the Certified Site Plan prior to the issuance of the final use and occupancy certificates for the two-over-two residential units.
- b) Transit Proximity – Full site within ¼ and ½ mile of an existing Flash Bus Rapid Transit Station.

c) Diversity of Uses and Activities

i. Affordable Housing/MPDUs

- a. The development must provide 15 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated April 18, 2022 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

ii. Dwelling Unit Mix

- a. The Applicant must integrate a mix of residential unit types with at least 51 efficiency units, 178 one-bedroom units, 101 two-bedroom units, and 57 three-or-more bedroom units, with the final unit mix approved by the Planning Board shown on the CSP.
- b. Before issuance of any use-and-occupancy certificate, the Applicant must provide as-built floor plans to M-NCPPC and a copy of the approved layout to DPS Zoning & Site Plan Enforcement.

d) Quality Building and Site Design

i. Structured Parking

- a. The Applicant must provide a minimum of 380 parking spaces within an above-grade structure.

6. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.6459 BLTs to the MCDPS and M-NCPPC staff.

7. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to seating areas, sculptural elements, playgrounds, patios, seating areas, and walking paths.

ENVIRONMENT

9. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan and/or Tree Save Plan.

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Paint Branch watershed to satisfy the reforestation requirement for a total of 1.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Paint Branch watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.

TRANSPORTATION & CIRCULATION

10. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 22, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The applicant must pay the White Oak Local Area Transportation Improvement Program (LATIP) mitigation payment or construct an improvement listed in the updated “White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper” dated May 2019. The timing of whether the improvement will be constructed, or the applicant will be making the payment, must be determined no later than application for the right-of-way permit. The timing of the payment or construction of the improvement will be per County Code Chapter 52.
- c) Prior to the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit, bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

- c) The applicant must provide one bicycle repair station.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, prior to final use and occupancy permit release.
 - i. Broadbirch Drive: 10-foot-wide sidewalk with 14-foot-wide buffer from traffic.
 - ii. Road A: 10-foot-wide sidepath with 7-foot-wide buffer from traffic.

12. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 5, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

SITE PLAN

13. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A4-01 through A4-14 of the submitted architectural drawings, as determined by M-NCPPC Staff.

14. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private drive aisles and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - 1) "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - 2) "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - 3) "The Applicant must schedule an on-site preconstruction meeting with Department of Permitting Services, Zoning and Code Compliance Section staff upon approval of the Certified Site Plan or before any site development work begins that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-construction meeting with the DPS Site Plan inspector. A copy of the approved Certified Site Plan is required to be on-site at all times."

- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Revise the Public Benefit calculations to show 20 points in the Transit Proximity category.
- g) Revise the Public Benefits calculations to remove credit for the purchase of Building Lot Terminations.
- h) Revise plans to ensure consistency between Sketch, Preliminary, and Site Plans.
- i) Provide additional landscaping/screening at the terminus of the alley between the two-over-two buildings to block views of the parking.
- j) Provide additional pedestrian connection on the northern edge of the public open space.
- k) Add the supplemental planting area, shown on the FFCP, to the landscaping plans.

SECTION 2: SITE DESCRIPTION

VICINITY

The 7.83-acre Property, identified as Parcel EEEE on Plat No. 21173, is located at 2220 Broadbirch Drive and is in a predominantly commercial area. The abutting and confronting properties include the following uses:

- North: DARCARS car storage parking lot, Home Depot
- West: Hilton Garden Inn, Restaurant Manager POS Headquarters
- South: Business Park, WSSC Lab
- East: DARCARS Storage Lot



Figure 1 - Vicinity Map

PROPERTY DESCRIPTION

The Property is currently improved with a single-story 66,150-square-foot office building, surface parking areas, and satellite dishes. According to the SDAT, the existing building was constructed in 1985. A driveway from Broadbirch Drive provides access and the Property frontage has mature street trees. The existing sidewalk along Broadbirch Drive is approximately five feet wide with a nine-foot wide green panel. A six-foot-tall chain link fence borders the west, north, and east sides of the Property.

The Property lies within the Paint Branch Watershed. An intermittent stream, with associated stream valley buffers, is located in the southwestern corner of the Property. The stream is surrounded by 0.35 acres of forest. The Property is not within a special protection area or primary management area, and there are no other significant environmental features on-site.

A storm drain easement occupies the southwest corner of the Property, and a Pepco right-of-way and easement is located close to the western property line. Additionally, a 20-foot wide storm drain and public utility easement encumbers a portion of the Property along Broadbirch Drive. In addition, the Property has access easements on the eastern side for the benefit of the DARCARS lots located to the north and east. The northeast corner of the Property is a fenced-off vehicular connection for the two DARCARS lots.

Metrobus Route Z6 operates along Broadbirch Drive and there is a Montgomery County Flash Bus Rapid Transit (BRT) station within approximately 1/4 to 1/2 mile of the Property at the intersection of US 29 and Tech Road. The BRT route serves the US 29 corridor. Additionally, Ride On Route 10 operates along Tech Road to the west of the Property.

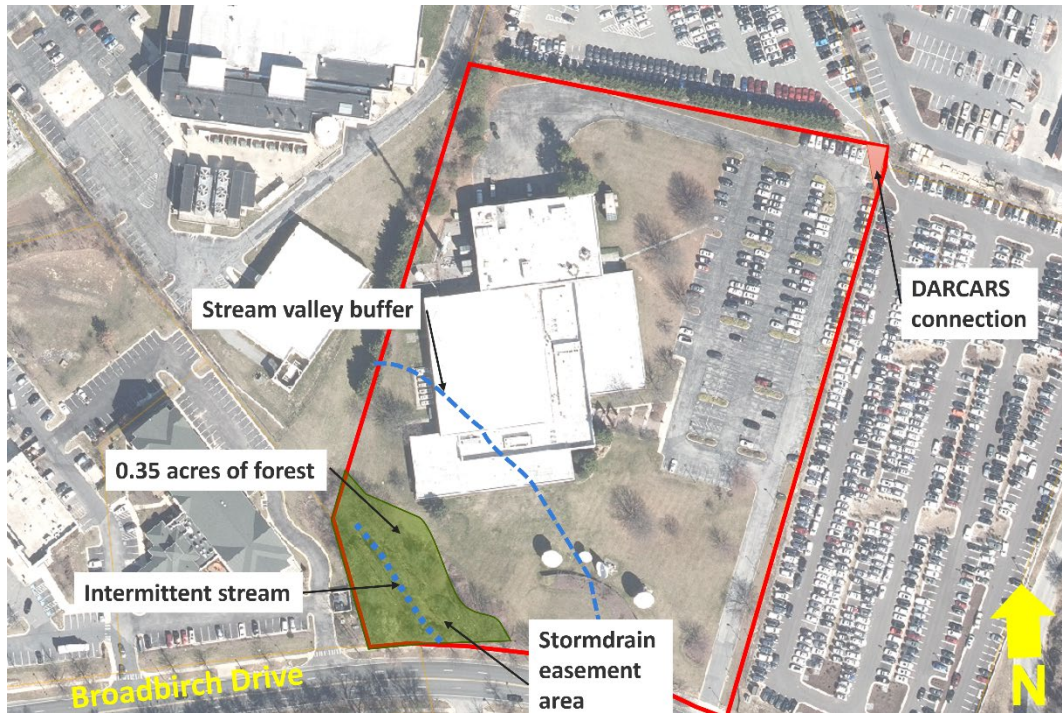


Figure 2 - Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Prior to October 30, 2014, the Property was zoned I-1 (Light Industrial) and was located in the Cherry Hill Employment Overlay Zone. The Property was rezoned to the IM-2.5 (Moderate Industrial) Zone when the County enacted a District Map Amendment in conjunction with a new Zoning Ordinance on October 20, 2014. On October 31, 2014, the County Council adopted Sectional Map Amendment G-966 to implement the zoning recommendations of the *White Oak Science Gateway Master Plan* and the Property was zoned CR-0.75, C-0.75, R-0.25, H-75.

The Property is subject to Local Map Amendment (LMA) No. H-141, as approved by County Council Resolution No. 19-1128, adopted on January 11, 2022. LMA H-141 rezoned the Property from CR-0.75, C-0.75, R-0.25, H-75 Zone to the CRF-1.25, C-0.25, R-1.25, H-85 Zone. A Floating Zone Plan was approved with the following binding elements:

1. Residential development may not exceed 400 dwelling units.
2. A minimum of 15% of the dwelling units constructed must be Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code.
3. Uses shall be limited to multifamily dwelling units inclusive of two-over-two or stacked multifamily units.

The submitted plans are consistent with the Floating Zone Plan and meet the binding elements listed above.

PROPOSAL

The proposed development is a residential project with a 5-story multifamily residential building with 359 units and 28 “two-over-two” multifamily units, for a total of up to 387 residential dwelling units (up to 443,400 square feet of residential development). The development will include surface parking areas and structured parking incorporated into the multifamily residential building, as well as public open space and residential amenities, including a dog park and an interior courtyard open space for residents. The proposed development also includes public right-of-way dedication to accommodate a future public road connection, designated “Street A,” to Whitehorn Court.

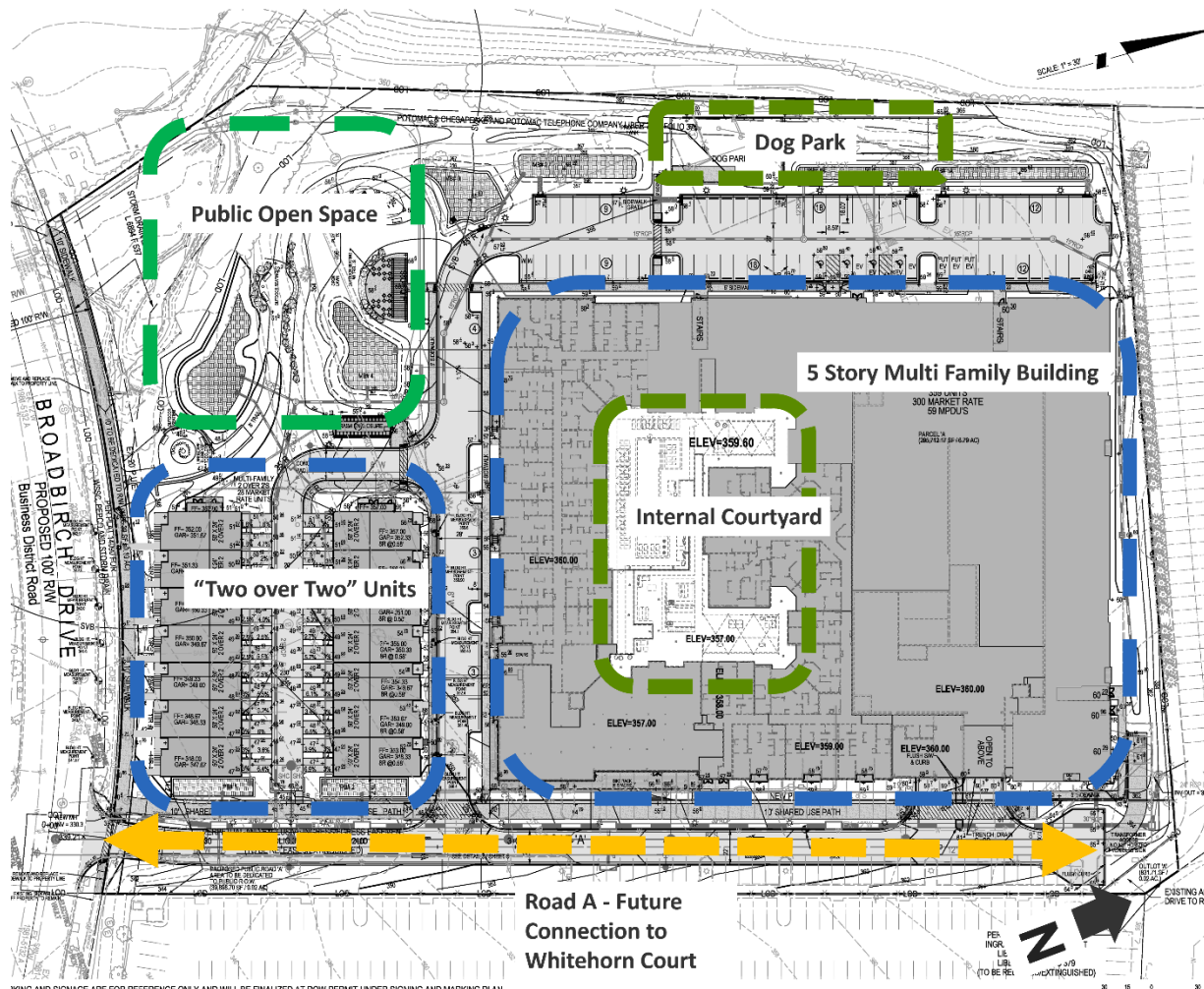


Figure 3 - Site Plan

BUILDING/ARCHITECTURE

The development will consist of up to 387 dwelling units in three separate structures, including one 5-story multifamily building and two 4-story “two-over-two” multifamily buildings. The two-over-two buildings are parallel to Broadbirch Drive, with one of the buildings having doors facing the road. The other two-over-two building faces the 5-story multi-family building, with a drive aisle in between. The 5-story multifamily residential building is oriented around an interior courtyard space and has an integrated parking structure.

The scale and massing of the proposed buildings have been designed to 'step down' as they approach Broadbirch Drive to be more compatible with the lower-rise buildings across that road. At the same time, the taller apartment component of the project will be adjacent to an existing hotel located on the neighboring property to the west that is of comparable height at four to five stories.

The proposed architecture will be articulated with setbacks and offsets in the massing to reduce the scale of the building along the street. Frontage improvements and the human-scaled expression of the street-level facades will enhance the public realm.

The Project will be contemporary in style while complementing traditional architectural expression in the general neighborhood. The design of the buildings will incorporate sustainable design strategies to reduce the project's environmental impact.

The building façade is made up of a variety of materials, including brick, metal panels, cementitious panels, cementitious siding, and glass. The material selections will be compatible with the existing context while reflecting the contemporary character of the new development.

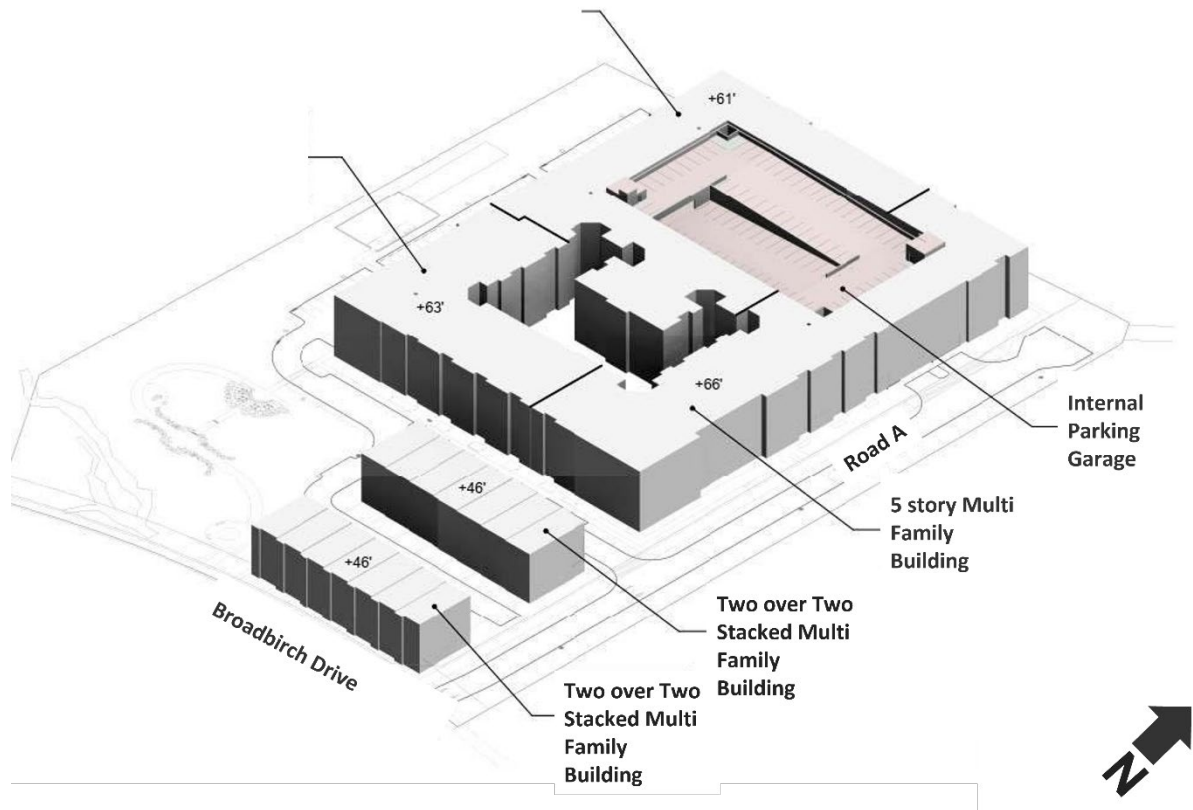


Figure 4 - Project Massing

OPEN SPACE

The proposed Public Open Space is located along Broadbirch Drive on the south side of the Property and incorporates a trail system connecting four distinct areas. Moving up the path, from south to north the four areas are as follows:

- A seating area with a spiral element, with a labyrinth constructed from stepping stones.
- A seating area with climbable boulders and steps leading to the open lawn.
- A toddler playground with benches for caretakers.
- A trellis area with tables and chairs with steps leading to the open lawn.

These landscape elements create a linear narrative, while framing and enclosing the open lawn.

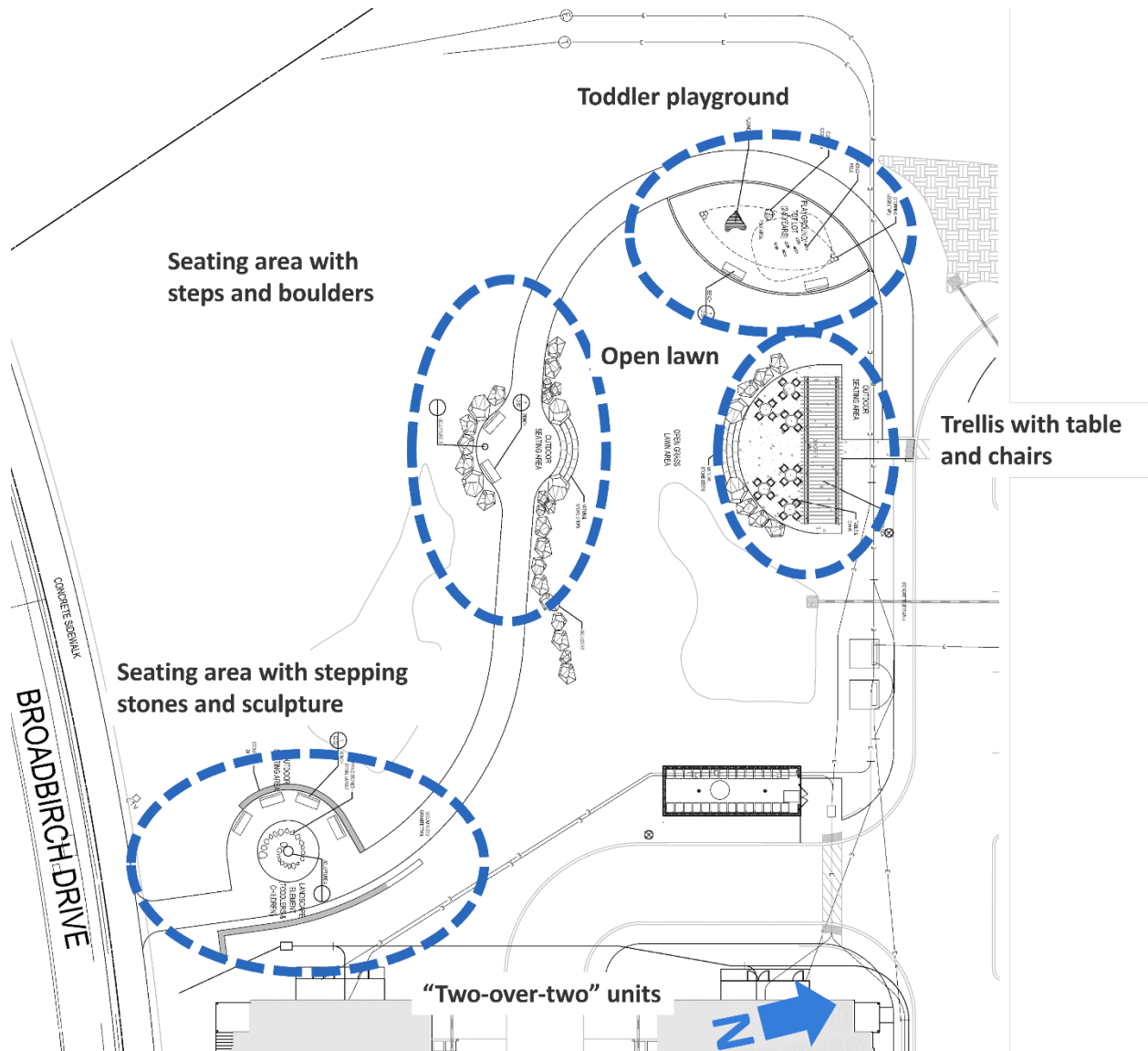


Figure 5 - Public Open Space

TRANSPORTATION

Pedestrian access to the Site will be from the established sidewalk network along Broadbirch Drive, which will be enhanced by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the *2014 White Oak Science Gateway Master Plan Design Guidelines*. The Applicant is proposing to construct a new Business District Street (Road A), identified as a potential road within the *2014 White Oak Science Gateway Master Plan*, along the eastern property line from Broadbirch Drive to the northeast corner of the Property.

The existing curb cut on Broadbirch Drive currently providing access to the former office surface parking area, along the eastern property line, is proposed to remain. The solitary ingress and egress from the existing roadway will provide direct access to the proposed internal parking areas which serve the multifamily residential structure and two-over-two garages. The new Business District Street provides access to the Project's internal residential driveways as well as the structured parking garage. Construction of Road A is intended to be extended northwards as part of future redevelopment of adjacent properties, eventually tying into the existing Whitehorn Court cul-de-sac. A temporary turnaround, consistent with MCDOT standard detail MC-223.01, is proposed to accommodate site traffic operations until the roadway is extended in the indeterminate future.

ENVIRONMENT

The proposed development retains the existing forested area within the stream valley buffer and includes a large portion of the on-site buffer as Public Open Space. Due to the extremely degraded nature of the existing stream system in the area and the short length of exposed channels, it was determined in conjunction with the review and approval of the Final Forest Conservation Plan that increased preservation of the stream valley buffer would not result in increased water quality. The Project's Public Open Space design, which includes additional planted areas between the existing forest and the proposed pedestrian connection as well as an invasive management plan and tree protection measures, will serve to protect and enhance the forested area and most of the stream valley buffer, creating an asset from a degraded environmental feature. The existing stormdrain easement will be retained but the forest will be improved and enhanced.

SECTION 4: SKETCH PLAN 320220050 FINDINGS AND ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: “To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:

1. Meet the objectives, general requirements, and standards of this Chapter;

Table 1: White Oak Apartments, Sketch Plan Data Table for CRF-1.25, C-0.25, R-1.25, H-85 Zone, Optional Method, Section 59.5.3.5

Development Standard	Permitted/ Required	Proposed
Tract Area (square feet /acres)	n/a	358,008 s.f. (8.22 ac)
Prior Dedication (square feet /acres)	n/a	17,170 s.f. (0.39 ac)
Proposed Dedication (square feet /acres)	n/a	44,294 s.f. (1.02 ac)
Site Area (square feet /acres)	n/a	
Parcel A		295,712 s.f. (6.79 ac)
Outlot A		831 s.f. (0.02 ac)
Mapped Density CRF-1.25, C-0.25, R-1.25, H-85 Residential (GFA/ FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
Commercial (GFA/FAR)	89,502 s.f. (0.25 FAR)	0.0 s.f. (0.0 FAR)
Total Mapped Density (GFA/FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
MPDU requirement	15%	15%
Building Height, max average	85 feet	
Multifamily		75 feet max
Two over Two Buildings		55 feet max
Public Open Space (min s.f.)	29,654 s.f. (10%) ¹	34,820 s.f. (11.7%)

¹ As required by 4.5.4.B.1 (optional method) because of two master planned frontages.

a) Allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings (Section 4.5.3.2)

The Property is currently improved with a single-story commercial building, satellite dishes, and associated surface parking. The Application will transform the Site into a pedestrian-friendly development that will include a variety of multifamily dwelling units within approximately 1/4 to 1/2 mile of a Montgomery County Flash Bus Rapid Transit (BRT) station at the intersection of US 29 and Tech Road. By introducing residential units into an area that is currently developed with commercial and industrial uses, the Project is creating a mix of uses within the area. The Project responds to the setting by anchoring the Broadbirch Drive frontage with units that enter directly from the road.

b) Allow flexibility in uses for a site.

The Project will include market-rate and MPDU residential units in two different building forms (multifamily residential and two-over-two units) in a variety of unit types (studios, one-bedrooms, two-bedrooms, three-bedrooms). As a result, the Project will provide different housing opportunities for a range of demographics and incomes. The Application will also provide important streetscape improvements along the Site's Broadbirch Drive frontage that will enhance pedestrian and bicycle connectivity in and around the Property. Additionally, the dedication for Road A, with accompanying shared use path, is the first step in breaking the existing block into smaller blocks. No parking is proposed between any buildings and street frontages.

c) Provide mixed-use development that is compatible with adjacent development.

The Project locates the lower height two-over-two buildings (55 feet max) adjacent to Broadbirch Drive, with doors opening onto the public sidewalk. The taller multifamily residential building (75 feet max) is located at the rear of the Property and is oriented to Road A. This begins the process of setting up relationships with redevelopment of surrounding properties.

2. Substantially conforms to the recommendations of the applicable master plan:

The Project substantially conforms to the recommendations of the 2014 *White Oak Science Gateway Master Plan*. The overarching goal of this Master Plan is "to transform the built environment from auto-oriented single-purpose nodes into vibrant mixed-use centers" (p. 23). The Property is within the Plan's Life Science/FDA Village Center which is identified as one of the Plan's three major activity centers (p. 27). This Plan recommended the CR Zone for this Property to "encourage redevelopment and provide land use flexibility" (p. 50) and the Property is identified as a potential redevelopment site on the Illustrative Concept Plan for the area (Figure 4, p. 47).

The US 29 BRT network envisioned in the Plan is now operating along the corridor, and the Project will take advantage of the County's major investment in this new transit infrastructure. The Plan recommendations support the introduction of residential uses and pedestrian-oriented amenities. While the master plan discussion focuses primarily on the 300-acre Percontee property, it also

recommends that properties such as the Subject Property and others adjacent to it “introduce mixed uses and improve key properties to create adequate gateways to the area and enhance vehicular and pedestrian connections” (p. 50). The proposed development will further other Master Plan goals by improving frontages along an important existing street (Broadbitch Drive); and introducing a mix of residential uses into an otherwise light industrial area.

The Applicant intends to construct a portion of master planned “potential” connection, “Whitehorn Court (extended)”. When redevelopment of adjacent properties occurs in the future, dedications to complete this road will be required that will ultimately connect Broadbitch Drive and Whitehorn Court, improving area circulation and extending dead-end streets as recommended in the Master Plan (p. 50).

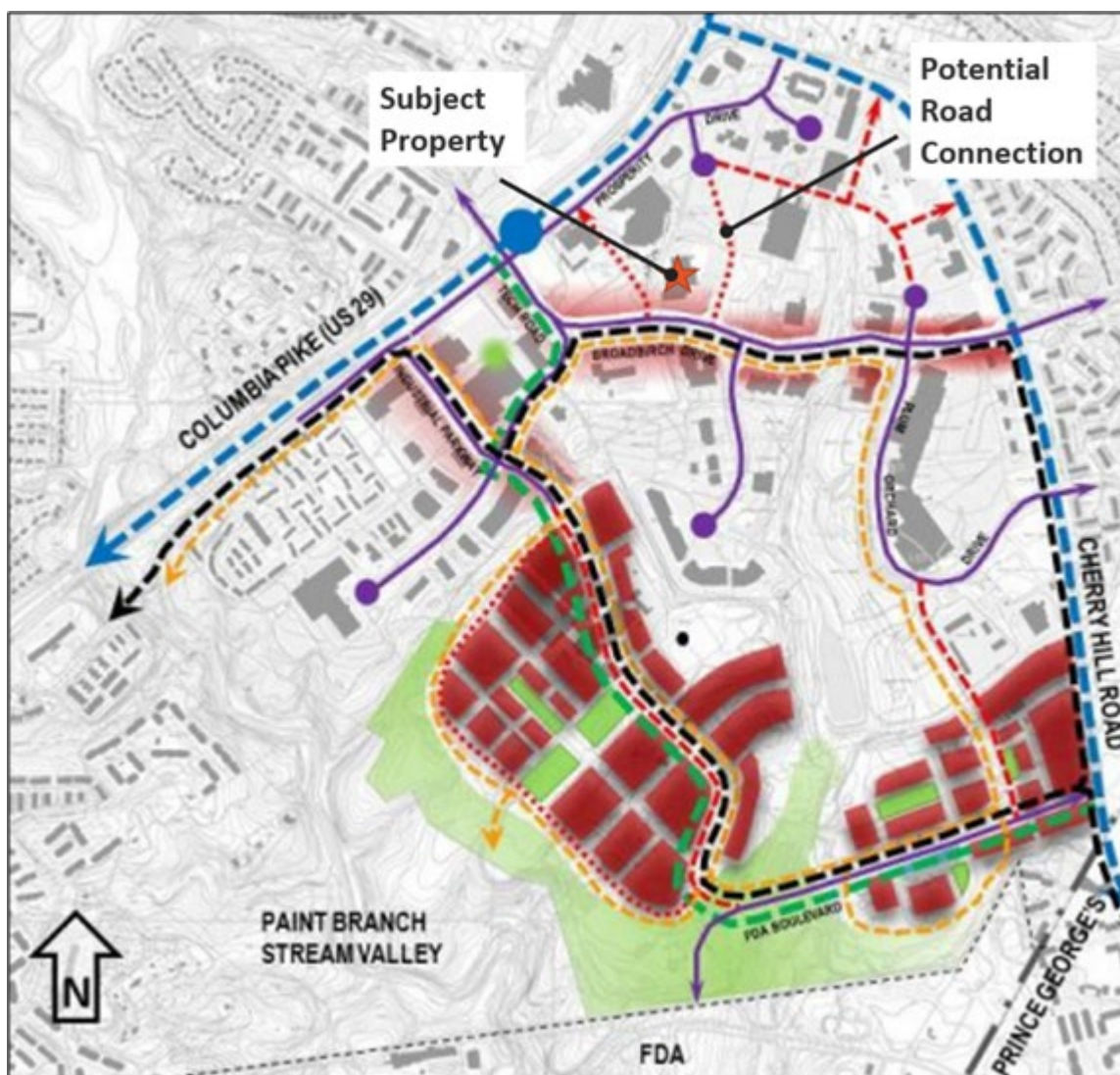


Figure 6 - Illustrative Concept of the Life Sciences/FDA Village from the Master Plan (p. 47)

3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;

The Sketch Plan is not subject to a development plan or schematic development plan.

4. Achieve compatible internal and external relationships between existing and pending nearby development;

The Sketch Plan successfully achieves compatibility with the varied uses in its immediate vicinity. The surrounding development is a mixture of mixed use and commercial developments of similar heights. The Project anchors the Broadbirch Drive and Road A frontages and provides connections for pedestrians and cyclists, creating relationships to nearby development and setting up connections and compatibility to future development.

5. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project will be from Road A off of Broadbirch Drive. Parking for the two-over-two units will be located off of an alley located between the two buildings. An integrated parking garage and loading area is provided for the multifamily residential building. There is also surface parking located at the rear of the building. This Project will dedicate right-of-way for Broadbirch Drive to facilitate an improved streetscape with a 10-foot sidewalk. The dedication and development of Road A includes a 10-foot shared use path.

6. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Master Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100-point requirement utilizing 5 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the Project's ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities	70	55.25
Transit Proximity	30	20
Diversity of Uses and Activities		
Dwelling Unit Mix	10	10
Moderately Priced Dwelling Units	N/A	30
Quality Building and Site Design		
Structured Parking	20	7.26
Total Points		122.51

MAJOR PUBLIC FACILITIES

The Applicant requests 55.25 points for providing Road A as a major public facility. Points for this incentive are granted on a sliding scale based on the land area conveyed, floor area conveyed, and constructed area. Staff supports the category at this time.

TRANSIT PROXIMITY

The Applicant request 20 points for Transit Proximity, based on being within ¼ and ½ mile of an existing Flash Bus Rapid Transit Station, which is a level 2 transit facility. Staff supports the category at this time.

DIVERSITY OF USES AND ACTIVITIES

Dwelling Unit Mix

The Applicant requests 10 points for providing a mix of units to include a minimum of 10% efficiencies, 10% one-bedroom units, 10% two-bedroom units, and 7.5% three-bedroom units. Staff supports the category at this time.

Moderately Priced Dwelling Units

The Applicant requests 30 points for providing 15% MPDUs. The project will provide 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs. Staff supports the category at this time.

QUALITY BUILDING AND SITE DESIGN

Structured Parking

The Applicant requests 7.26 points for providing structured parking. Three hundred and eighty (380) spaces out of 523 total parking spaces are located in an above ground parking structure. Staff supports the category at this time.

- 7. Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.**

The proposed development will be built in one phase.

SECTION 5: PRELIMINARY PLAN 120220060 FINDINGS AND ANALYSIS

The Preliminary Plan would create one lot (295,712 square feet) and one outlot (832 square feet), for a total area of approximately 296,544 square feet or 6.81 acres of Site area, for a maximum density of up to 443,400 square feet of residential uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.**

The lots have been reviewed for compliance with Section 50.29(a) of the Subdivision Regulations. The layout of the subdivision, including size, width, shape, and orientation of the lot and outlot, is appropriate for the location within the subdivision and meets all applicable requirements of the CRF Zone.

- a) The Preliminary Plan provides for required public sites and adequate open areas.**

The Preliminary Plan provides for the required dedication along Broadbirch Drive and the necessary dedication to construct Road A. The Project establishes the minimum 10% public open space.

- b) The Lots and Use comply with the basic requirements of Chapter 59.**

The proposed lot and outlot were reviewed for compliance with the dimensional requirements for the CRF zone as specified in the Zoning Ordinance. As proposed, the lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 3.

Table 3: White Oak Apartments Preliminary Plan Data Table for CRF-1.25, C-0.25, R-1.25, H-85 Zone, Optional Method, Section 59.5.3.5

Development Standard	Permitted/ Required	Proposed
Tract Area (square feet /acres)	n/a	358,008 s.f. (8.22 ac.)
Prior Dedication (square feet /acres)	n/a	17,170 s.f. (0.39 ac.)
Proposed Dedication (square feet /acres)	n/a	44,294 s.f. (1.02 ac.)
Site Area (square feet /acres)	n/a	
Parcel A		295,712 s.f. (6.79 ac.)
Outlot A		831 s.f. (0.02 ac.)
Mapped Density CRF-1.25, C-0.25, R-1.25, H-85 Residential (GFA/ FAR)	447,510 s.f. (1.25 FAR.)	443,400 s.f. (1.24 FAR)
Commercial (GFA/FAR)	89,502 s.f. (0.25 FAR)	0.0 s.f. (0.0 FAR)
Total Mapped Density (GFA/FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
MPDU requirement	15% ²	15%
Total GFA/FAR		
Building Height, max average	85 feet	
Multifamily		75 feet max
Two over Two Buildings		55 feet max
Public Open Space (min s.f.)	29,654 s.f. (10%)	34,820 s.f. (11.7%)
Minimum Setbacks (ft)³		
Front (south)	10 ft	14 ft
Side (west)	0 ft	124 ft
Side (east)	60 ft	60 ft
Rear (north)	10 ft	15 ft

2. The Preliminary Plan substantially conforms to the Master Plan.

As discussed in finding 2 of Sketch Plan No. 320220050, the Project conforms to the 2014 *White Oak Science Gateway Master Plan* by introducing housing into a location that is surrounded by commercial and industrial uses and providing frontage improvements along Broadbirch Drive. Also, the plan includes dedication and construction of a potential connection to Whitehorn Court as identified in the Master Plan.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Circulation and Access

² As required by the binding elements associated with H-141.

³ As determined by the Floating Zone Plan associated with H-141.

Pedestrian access to the Site will be from the established sidewalk network along Broadbirch Drive, which will be enhanced by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the 2014 *White Oak Science Gateway Master Plan Design Guidelines*. The Applicant is proposing to construct a new Business District Street (Road A), identified as a potential road within the 2014 *White Oak Science Gateway Master Plan*, along the eastern Property line from Broadbirch Drive to the northeast corner of the Property, which will be explained in further detail in this section.

The existing curb cut on Broadbirch Drive currently providing access to the former office surface parking area, along the eastern Property line, is proposed to remain. The solitary ingress and egress from the existing roadway will provide direct access to the proposed internal parking areas which serve the multifamily residential structure and 2-over-2 garages. The new Business District Street will serve as the proposed community's backbone, providing access to the residential driveways, as well as the structured, multi-grade parking garage. Construction of Road A is intended to be extended northwards as part of future redevelopment of adjacent properties, eventually tying into the existing Whitehorn Court cul-de-sac. A temporary turnaround, consistent with MCDOT standard detail MC-223.01 is proposed in the interim prior to its future extension.

Trash pick-up associated with the 2-over-2 multifamily dwelling units will be accommodated through the vehicular access located off a drive aisle, where trash will be collected from each of the 14 buildings for pick-up, with an expected frequency of twice per week. The proposed five-story multifamily structure features its own internal loading dock and resident parking entrance, directly from Road A. The loading space is intended to primarily serve residents moving in and out of the building, as well as accommodate trash pickup. Vehicular and loading turning movements are displayed on the submitted circulation and truck turning exhibits.

b) Parking

The total number of parking spaces in the on-site parking garages and surface parking areas meet the Zoning Ordinance requirement, by providing 522 vehicle spaces, 96 long-term bike spaces, and 6 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on the ground floor of the proposed structure and short-term spaces are proposed adjacent to the future leasing and amenity space along Road A, in the southeast corner of the multifamily structure. All private vehicular parking within the garage structure, surface parking areas, and garages within the 2-over-2 dwelling units will be accessed from the internal private driveways.

c) Master-Planned Roadways

The segment of Broadbirch Drive between Tech Road and Cherry Hill Road is classified as B-9, a Business Street within the *Master Plan of Highways and Transitways*. The segment is currently 80-feet wide and planned to be 100 feet wide with 4 travel lanes. The Applicant is proposing a public right-of-way dedication of ten feet to meet this requirement. The Broadbirch Drive Property frontage will be

enhanced with a 10-foot sidewalk and 14-foot green panel in accordance with the Town Center Boulevard streetscape requirements in the *Complete Streets Design Guide*.

Pursuant to the Master Plan, a new street connection from Broadbirch Drive to the existing terminus of Whitehorn Court is identified within the Life Sciences/FDA Village Center area. Due to the fact that the Master Plan does not explicitly dictate its street classification or its design, the new public connection falls most appropriately to the Business District Street designation due to its land use context. Per Section 49-31(h)(h) of the County Code, “a Business District Street is a road meant for circulation in commercial and mixed-use zones.” However, as a result of constraints of the site due to topographic issues along the east side of the Property and challenges associated with accommodating the standard 70-foot width for a Business District Street in relation to the Applicant’s structures, the stream valley buffer, and parking; full implementation of the 70-foot right-of-way is not warranted. The Applicant proposes to wholly dedicate the constructed roadway as public right-of-way. The general path of the road connection is circled below in Figure 7.

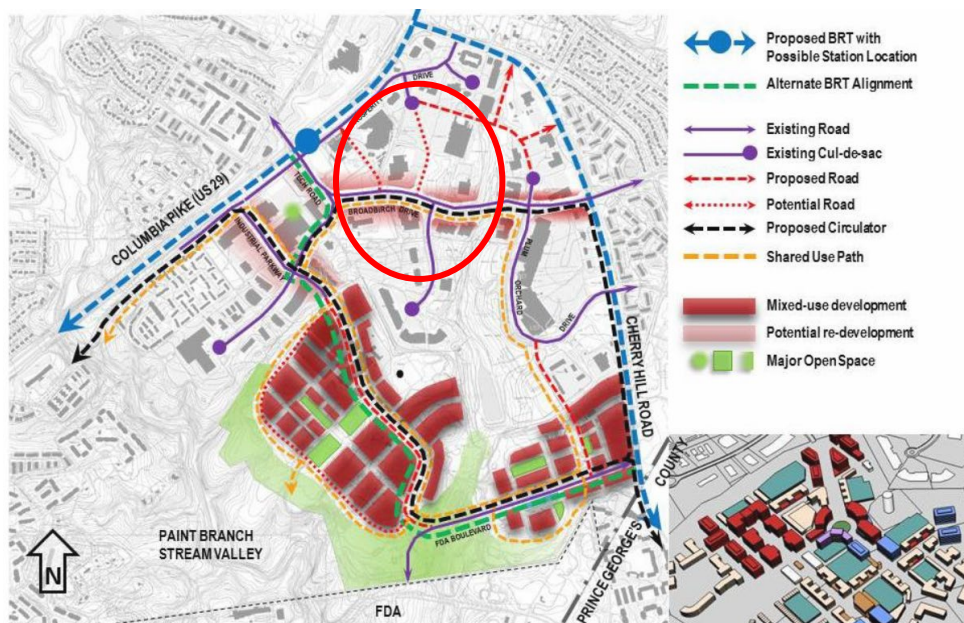


Figure 7 - Life Sciences/FDA Village Illustrative Concept – White Oak Science Gateway Master Plan

As such, Planning and MCDOT staff have directed the Applicant to construct the new connection under a modified 2005.01 standard detail, utilizing a 60-foot cross section which provides a shared use path along the Applicant’s frontage, green panel, two travel lanes, with curb and gutter on both sides of the pavement width, as illustrated in Figure 8. While it is important to note that separated bicycle lanes are the default facility for streets which do not have recommended bikeways per the *Bicycle Master Plan*, a sidepath is the context sensitive solution in this instance given the constraints of the site and

Staff's apprehension of limiting bikeway improvements to just one path of travel. It is assumed that a new sidepath will be constructed when the adjacent property to the east of the subject site redevelops, in a manner that facilitates the grading of current topographic challenges. The proposed design of the new road is consistent with recommendations outlined in the *Complete Streets Design Guide* as it relates to Town Center Streets.

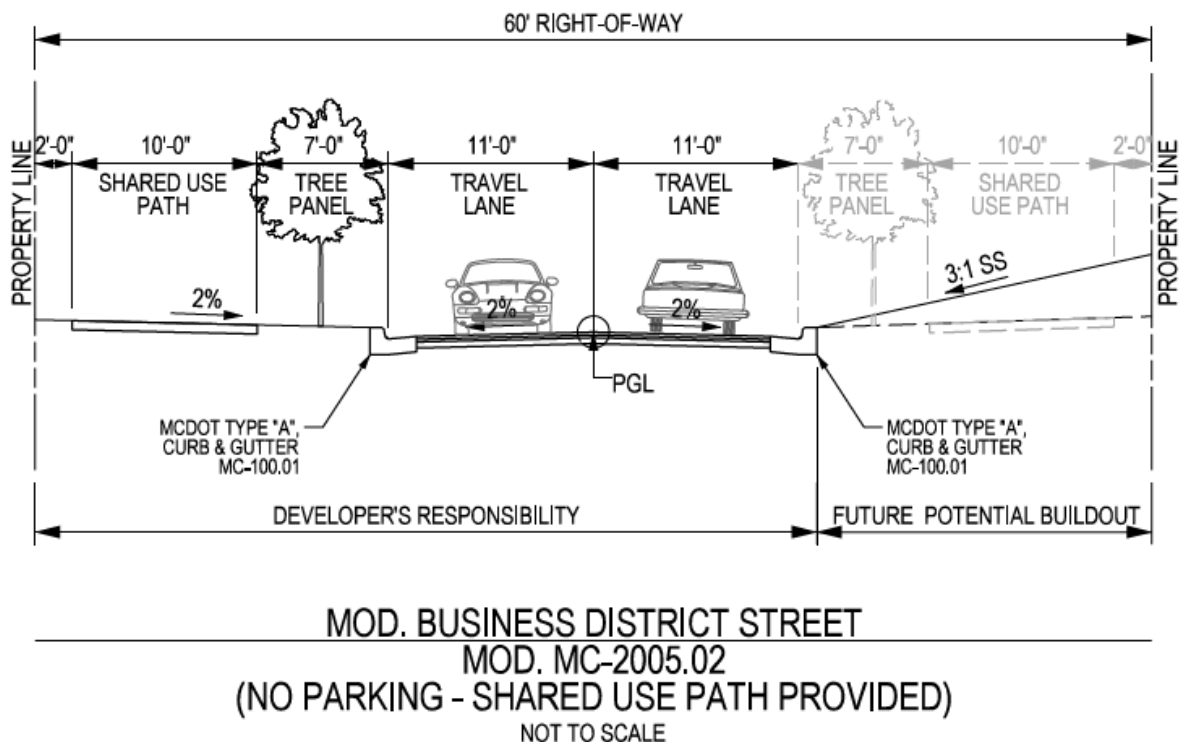


Figure 8 - Proposed "Road A" Cross Section

d) Pedestrian and Bicycle Facilities

Along the Broadbirch Drive property frontage, the Applicant proposes to construct a new ten-foot-wide sidewalk with a wider furnishing zone to preserve existing mature canopy trees, consistent with guidance within the Master Plan and the *Complete Streets Design Guide*, which would foster a more comfortable space for people walking parallel to multimodal traffic along the Business Street. Per the 2018 *Bicycle Master Plan*, there are no bicycle facilities planned along the Site's frontage with Broadbirch Drive. A bidirectional separated bikeway is planned along the opposite frontage of the roadway.

Furthermore, the Applicant proposes to construct a new sidepath along the entirety of western frontage of Road A, ensuring safe and comfortable space for people walking and bicycling, from Broadbirch Drive to the terminus of Road A at the northeast corner of the Property. A new crosswalk will be built hand-in-hand with the roadway connection, providing a high visibility crossing between the residences and the existing sidewalk network to the east along the adjacent property. The

eventual completion of sidepaths along both sides of the Road A will facilitate enhanced circulation and will tie with the planned separated bicycle lanes along Broadbirch Drive and the sidepath along Prosperity Drive to the north.

e) Public Transit Service

The immediate area is well served by transit that includes Ride On, Metrobus, and the Flash Bus Rapid Transit service along Columbia Pike (US 29), which features an existing station at the Tech Road-Columbia Pike intersection located within a 1/3 mile of the Subject Property. Metrobus route Z6 operates along Broadbirch Drive, providing service to the Silver Spring CBD and Burtonsville Crossing Park & Ride, and the Silver Spring Metrorail Station. Ride On route 10 provides service between the Tech Road Transit Center, the FDA, and the Glenmont/Twinbrook Metrorail Stations via Tech Road to the west of the Property.

f) Local Area Transportation Review (LATR)

In accordance with the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required to satisfy the LATR test because projects within the White Oak Policy Area are exempt from the LATR but are subject to a Local Area Transportation Improvement Program (LATIP). The LATIP program is designed to cost-share currently planned transportation improvements for the area. The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program. Standard frontage improvements must still be constructed by the Applicant; however, the cost of projects assumed in the LATIP package may be credited against the fee if an Applicant chooses—or is required—to construct an improvement.

The Applicant filed a transportation statement, which included up to 359 high rise multifamily residential units as well as 28 low rise residential units. A 66,150-square foot general office use previously occupied the Site. Staff reviewed the transportation statement and determined that the Project would generate an increase of 120 net new morning person trips and 111 net new evening person trips, including an increase of 61 net new morning peak hour vehicle trips and 55 net new evening peak hour vehicle trips when compared to the former office building. Table 4 below, shows the projected new person trips generated by the proposed redevelopment.

Table 4 – Vehicular Trip Generation

Vehicle Trip Generation	AM	PM
Existing Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 66,150 SF General Office)	117	118
LATR Policy Area Adjustment (Office)	90% of ITE Rate	
Person Trips	153	155
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 359 Mid Rise Residential)	146	140
LATR Policy Area Adjustment (Residential)	89% of ITE Rate	
Person Trips	224	215
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 28 Low Rise Residential)	32	33
LATR Policy Area Adjustment (Residential)	89% of ITE Rate	
Person Trips	49	51
Net New Vehicle Trips (Driver)	+61	+55
Net New Person Trips (Converted using total vehicle driver mode share)	+120	+111

(Source: ITE, 11th Edition, revised from Applicant's LATR Review)

Transportation Demand Management

As a project within the White Oak Transportation Management District (TMD) that is greater than 40,000 square feet of gross floor area, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with MCDOT to participate in the White Oak TMD.

g) Schools

Overview and Applicable School Test

The proposed Preliminary Plan No. 120220060 for 2220 Broadbirch Drive is scheduled to come before the Planning Board on July 7, 2022. Therefore, the FY23 Annual School Test, approved by the Planning Board on June 16, 2022 and effective July 1, 2022 is applicable to this application. This plan proposes 387 multifamily high-rise units.

School Adequacy Test

The project is served by Galway ES, Briggs Chaney MS and Paint Branch HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 5.

Table 5 - Applicable FY2023 School Adequacy

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Galway ES	770	736	95.6%	+34	No UPP	119	188	304
Briggs Chaney MS	927	912	98.4%	+15	No UPP	141	201	340
Paint Branch HS	2,021	2,165	107.1%	-144	No UPP	36	261	564

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Galway ES, Briggs Chaney MS and Paint Branch HS do not require any UPP as identified in Table 5. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 387 multifamily low-rise units that are not age-restricted, the proposed Project is estimated to generate the following number of students based on the Subject Property's location within an Infill Impact Area as shown in Table 6.

Table 6 - Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	28	0.059	1.652	0.023	0.644	0.032	0.896
MF High-rise	359	0.034	12.206	0.015	5.385	0.016	5.744
TOTALS	387		13		6		6

As shown in Table 6, on average, this project is estimated to generate 13 elementary school students, six (6) middle school students and six (6) high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 5. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion

The Applicant is not required to obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy.

h) Other Public Facilities

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available. Per the June 1, 2022 letter from MCDOT, the storm drain analysis shows adequate drainage with no improvements needed to the downstream storm drain system for this plan.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

a) Forest Conservation Plan

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420211170) for the Subject Property on April 14, 2021. There are 0.35 acres of forest on the Property. Multiple pipes outfall into a series of incised channels and there are utility and stormdrain easements on portions of the southwest corner. Staff observed evidence of groundwater involvement and there are historic observations and records of stream and wetlands in this location, therefore the channels have been designated as an intermittent stream and buffered. The channel system flows into two pipes at Broadbirch Drive and becomes part of the stormdrain system before daylighting into the West Farm tributary of the Paint Branch. The Property has 1.51 acres of stream valley buffer associated with the intermittent stream. The existing development is partially within the stream valley buffer.

The *Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines) provide guidance on appropriate techniques for protecting natural resources during the development process. The proposed development encroaches into the stream valley buffer but the Applicant will protect the channels and forest and integrate the natural areas into the proposed open space.

In this case, the Applicant's proposal provides adequate protection of the stream and surface water flowing through the channel because:

1. The stream fragment is the only remaining daylighted portion of this tributary until it surfaces ¼ mile away; and
2. The majority of water flowing through the channel is runoff from surrounding developments that has been concentrated into pipes and outfalls into the channel.

The Applicant is proposing development that avoids the stream and provides long term protection. Due to the extremely degraded nature of the existing system and the short length of exposed channels, increased preservation of the stream valley buffer will not result in increased water quality. The proposed design will protect and enhance the forested area and most of the stream valley buffer, creating an asset from a degraded environmental feature.

The Property has 0.35 acres of forest located in the southwest corner of the Property, within the stream valley buffer. However, 0.26 acres of the forest is located within an existing stormdrain easement. The Planning Board approved a Preliminary Forest Conservation Plan (PFCP) associated with LMA H-141 showing the retention of 0.24 acres of forest in a Category I Conservation Easement. Through the development process, MCDPS Staff determined that the stormdrain easement will need to be retained so the forest previously shown as retained is now removed from all calculations.

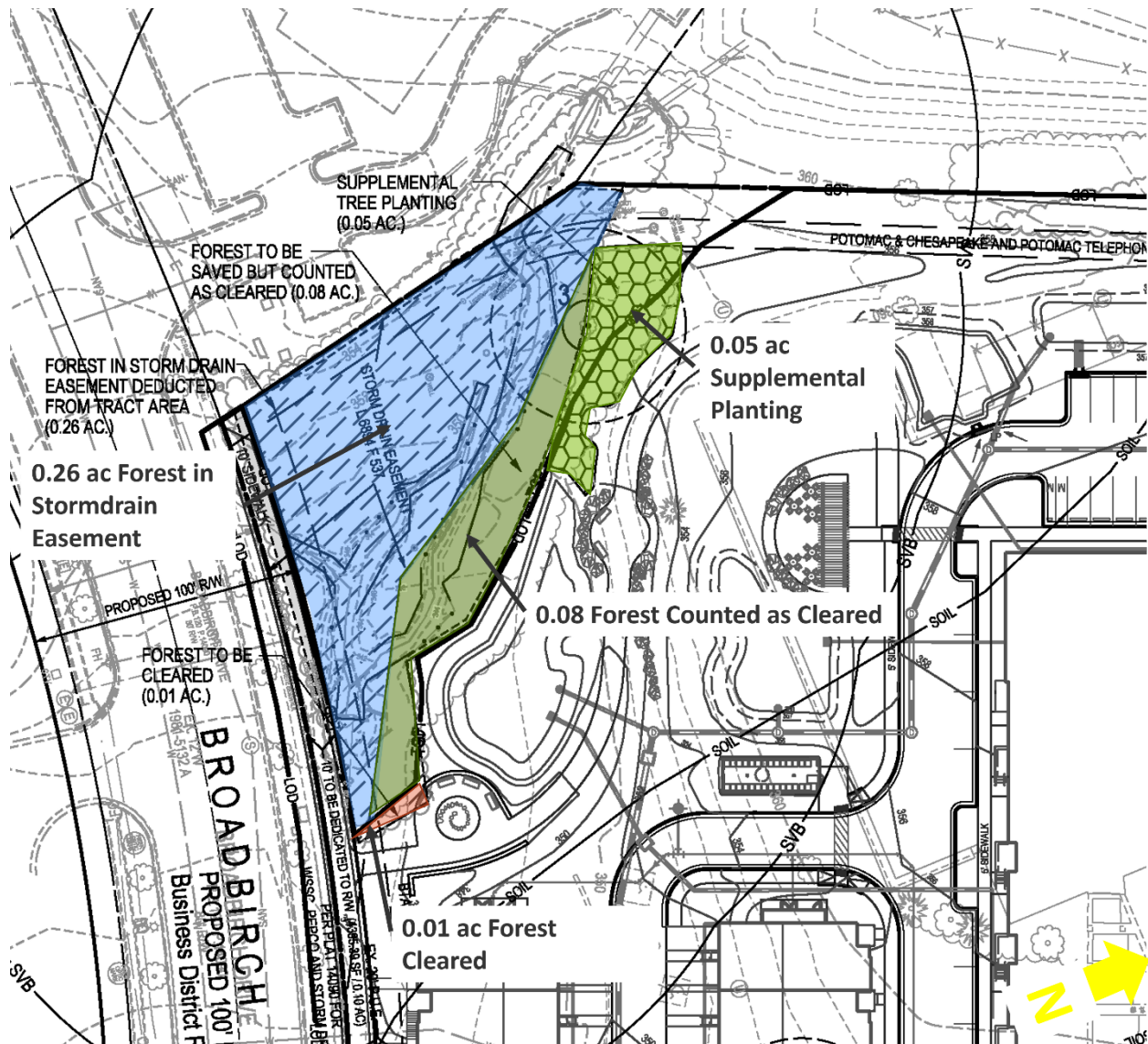


Figure 9 - Final Forest Conservation Plan Detail

A Final Forest Conservation Plan (FFCP) has been submitted for approval with the Preliminary and Site Plans. The FFCP shows 0.09 acres of forest (outside of the stormdrain easement). The Applicant is

clearing 0.01 acres of forest but the remaining 0.08 acres of forest is counted as cleared because it is too small to be protected with an isolated Category I Conservation Easement. The Limits of Disturbance (LOD) on the FFCP is consistent with the LOD on the PFCP. The Applicant is planting 0.05 acres of forest to supplement the existing forest. The forest conservation planting requirement of 1.25 acres will be met off-site.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on May 12, 2022. The concept meets required stormwater management goals using a combination of ESD approaches including six microbio retention areas and two planter boxes. Stormwater quantity control is met by the Westfarm Regional Pond. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 6: SITE PLAN 820220210 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CRF-1.25, C-0.25, R-1.25, H-85 zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

- 2. *To approve a Site Plan, the Planning Board must find that the proposed development:***

- a) satisfies any previous approval that applies to the site;***

The Property is subject to Local Map Amendment (LMA) No. H-141, as approved by County Council Resolution No. 19-1128, adopted on January 11, 2022. LMA H-141 rezoned the Property from CR-0.75, C-0.75, R-0.25, H-75 Zone to the CRF-1.25, C-0.25, R-1.25, H-85 Zone. A Floating Zone Plan was approved with the following binding elements:

1. Residential development may not exceed 400 dwelling units.
2. A minimum of 15% of the dwelling units constructed must be Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code.
3. Uses shall be limited to multifamily dwelling units inclusive of two-over-two or stacked multifamily units.

The submitted plans are consistent with the Floating Zone Plan and meet the binding elements listed above.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***

i. **Division 5.3.5 Zone**

Table 7: White Oak Apartments Site Plan Data Table for CRF-1.25, C-0.25, R-1.25, H-85 Zone, Optional Method, Section 59.5.3.5

Development Standard	Permitted/ Required	Proposed
Tract Area (square feet /acres)	n/a	358,008 s.f. (8.22 ac.)
Prior Dedication (square feet /acres)	n/a	17,170 s.f. (0.39 ac.)
Proposed Dedication (square feet /acres)	n/a	44,294 s.f. (1.02 ac.)
Site Area (square feet /acres)	n/a	
Parcel A		295,712 s.f. (6.79 ac.)
Outlot A		832 s.f. (0.02 ac.)
Mapped Density CRF-1.25, C-0.25, R-1.25, H-85 Residential (GFA/ FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
Commercial (GFA/FAR)	89,502 s.f. (0.25 FAR)	0.0 s.f. (0.0 FAR)
Total Mapped Density (GFA/FAR)	447,510 s.f. (1.25 FAR)	443,400 s.f. (1.24 FAR)
MPDU requirement	15% ⁴	15%
Total GFA/FAR		
Building Height, max average	85 feet	
Multifamily		75 feet max
Two over Two Buildings		55 feet max
Public Open Space (min s.f.)	29,654 s.f. (10%)	34,820 s.f. (11.7%)
Minimum Setbacks (ft)⁵		
Front (south)	10 ft	14 ft
Side (west)	0 ft	124 ft
Side (east)	60 ft	60 ft
Rear (north)	10 ft	15 ft

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 122.51 public benefit points in 5 categories to satisfy the requirements:

⁴ As required by the binding elements associated with H-141.

⁵ As determined by the Floating Zone Plan associated with H-141.

Table 8: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities	70	55.25
Transit Proximity	30	20
Diversity of Uses and Activities		
Dwelling Unit Mix	10	10
Moderately Priced Dwelling Units	N/A	30
Quality Building and Site Design		
Structured Parking	20	7.26
Total Points		122.51

MAJOR PUBLIC FACILITIES

The Applicant requests 55.25 points for providing Road A as a major public facility. Points for this incentive are granted on a sliding scale based on the land area conveyed, floor area conveyed, and constructed area. Staff supports the Applicant's request based on the following calculations:

$((39,898 \text{ square feet conveyed} / 340,838 \text{ square feet Site Area})^2 + (27,130 \text{ square feet constructed} / 340,838 \text{ square feet Site Area})^4) * 100 = 55.25 \text{ points}$

TRANSIT PROXIMITY

The Applicant requests 20 points for Transit Proximity, based on being within ¼ and ½ mile of an existing Flash Bus Rapid Transit Station, which is a level 2 transit facility. Staff supports the Applicant's request.

DIVERSITY OF USES AND ACTIVITIES

Dwelling Unit Mix

The Applicant requests 10 points for providing a mix of units to include a minimum of 10% efficiencies, 10% one-bedroom units, 10% two-bedroom units, and 7.5% three-bedroom units. Staff supports the Applicant's request based on the following minimum mix of units:

- 13% efficiencies
- 46% one-bedroom units
- 26% two-bedroom units
- 15% three-bedroom units

Moderately Priced Dwelling Units

The Applicant requests 30 points for providing 15% MPDUs. The project will provide 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below:

$$(15\% \text{ MPDUs provided} - 12.5\% \text{ MPDUs required}) * 12 = 30 \text{ points}$$

QUALITY BUILDING AND SITE DESIGN

Structured Parking

The Applicant requests 7.26 points for providing structured parking. Three hundred and eighty (380) spaces out of 522 total parking spaces are located in an above ground parking structure. Staff supports the Applicant's request based on the calculation below:

$$(380 \text{ above grade spaces} / 522 \text{ total parking spaces}) * 10 = 7.26 \text{ points}$$

iii. ***Division 59-6 General Development Standards***

(1) Division 6.1 Site Access

Pedestrian access to the Site will be from the established sidewalk network along Broadbirch Drive, which will be enhanced by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the *2014 White Oak Science Gateway Master Plan Design Guidelines*. The Applicant is proposing to construct a new Business District Street (Road A), identified as a potential road within the *2014 White Oak Science Gateway Master Plan*, along the eastern property line from Broadbirch Drive to the northeast corner of the Property, which will be explained in further detail in this section.

The existing curb cut on Broadbirch Drive currently providing access to the former office surface parking area, along the eastern property line, is proposed to remain. The solitary ingress and egress from the existing roadway will provide direct access to the proposed internal parking areas which serve the multifamily residential structure and 2-over-2 garages. The new Business District Street will serve as the proposed community's backbone, providing access to the residential driveways, as well as the structured, multi-grade parking garage. Construction of Road A is intended to be extended northwards as part of future redevelopments of adjacent properties, eventually tying into the existing Whitehorn Court cul-de-sac. A temporary turnaround, consistent with MCDOT standard detail MC-223.01 is proposed in the interim prior to its future extension.

(2) Division 6.2 Parking, Queuing and Loading

The total number of parking spaces in the on-site parking garages and surface parking areas meet the Zoning Ordinance requirement, by providing 522 vehicle spaces, 96 long-term bike spaces, and 6 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on

the ground floor of the proposed structure and short-term spaces are proposed adjacent to the future leasing and amenity space along Road A, in the southeast corner of the multifamily structure. All private vehicular parking within the garage structure, surface parking areas, and garages within the two-over-two dwelling units will be accessed from the internal private driveways.

Trash pick-up associated with the 2-over-2 multifamily dwelling units will be accommodated through the vehicular access located off a drive aisle, where trash will be collected from each of the 14 buildings for pick-up, with an expected frequency of twice per week. The proposed five-story multifamily structure features its own internal loading dock and resident parking entrance, directly from Road A. The loading space is intended to primarily serve residents moving in and out of the building, as well as accommodate trash pickup. Vehicular and loading turning movements are displayed on the submitted circulation and truck turning exhibits.

(3) Division 6.3 Open Space and Recreation

The Project is providing 10% public open space per the requirements of Section 4.5.4. The proposed Public Open Space is located along Broadbirch Drive on the south side of the Property, adjacent to the existing forest. The public open space incorporates a trail system connecting four distinct areas, providing a variety of experiences and opportunities. The four spaces frame an open lawn, which can be used for active recreation.

The proposed recreation facilities meet the requirements of the *Recreation Guidelines* according to the Recreation Facilities Data Table provided with the Application. The recreation facilities include a playground, picnic/seating areas, indoor fitness and resident lounge, a dog run, and a rooftop amenity area with a swimming pool.

(4) Division 6.4 General Landscaping and Outdoor lighting

The proposed landscaping and lighting, as well as other site furnishings, will enhance the open spaces and streetscapes. The facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform the existing streetscape along the Broadbirch Drive frontage, as well as create a new frontage on Road A. The surface parking lot is appropriately shaded and landscaped and additional trees are planted adjacent to the existing forest.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

DPS approved a Stormwater Management Concept Plan on May 12, 2022. The concept meets required stormwater management goals using a combination of ESD approaches including six micro-bioretenion areas and two planter boxes. Stormwater quantity control is met by the Westfarm Regional Pond. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

ii. **Chapter 22A, Forest Conservation.**

A Final Forest Conservation Plan (FFCP) has been submitted for approval with the Preliminary and Site Plans. The FFCP shows 0.09 acres of forest (outside of the stormdrain easement). The Applicant is clearing 0.01 acres of forest but the remaining 0.08 acres of forest is counted as cleared because it is too small to be protected with an isolated Category I Conservation Easement. The Limits of Disturbance (LOD) on the FFCP is consistent with the LOD on the PFCP. The Applicant is planting 0.05 acres of forest to supplement the existing forest. The forest conservation planting requirement of 1.25 acres will be met off-site.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project will be from Road A, off Broadbirch Drive. The pedestrian realm on Broadbirch Drive will be enhanced by the provision of a 10-foot sidewalk. The Project is dedicating and constructing Road A, which will include a 10-foot shared use path. Amenities are located interior to the building and on the roof level, as well as in the public open space.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As discussed in greater depth in finding 2 of Sketch Plan No. 320220050, the Project conforms to the 2014 *White Oak Science Gateway Master Plan* by introducing housing into a location that is surrounded by commercial and industrial uses and providing frontage improvements along Broadbirch Drive. Also, the plan includes dedication and construction of a potential connection to Whitehorn Court as identified in the Master Plan.

h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed in Preliminary Plan finding 3, the Project will be served by adequate public facilities.

i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

Not applicable; the Property is not in a Rural Residential or Residential Zone.

j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The scale and massing of the proposed buildings have been designed to 'step down' as it approaches Broadbirch Drive to be more compatible with the lower-rise buildings across that road. At the same time, the taller apartment component of the Project will be adjacent to an existing hotel located on the neighboring property to the west that is of comparable height at four to five stories.

The proposed architecture will be articulated with setbacks and offsets in the massing to reduce the scale of the building along the street. Frontage improvements and the human-scaled expression of the street-level facades will enhance the public realm.

The Project will be contemporary in style while complementing traditional architectural expression in the general neighborhood. The design of the buildings will incorporate sustainable design strategies to reduce the project's environmental impact.

3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on December 14, 2021 related to the Sketch, Preliminary, and Site Plans. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach.

Staff received one letter of correspondence throughout the review of the Project.

ROAD A

The Greater Colesville Civic Association does not support the dedication and construction of Road A and feels that the connection is useless, duplicative, and unlikely to be completed. Additionally, the road construction may impact LATIP credits available for the area.

Staff response: While completion of Road A may not occur soon, the Road is identified as a potential road connection in the Master Plan and the construction of this portion of Road A creates the potential for the immediate vicinity to be broken into smaller blocks with pedestrian and vehicular interconnectivity. Additionally, Road A provides an urban design framework for future development while providing for access to the proposed development right now. Staff supports the provision of a portion of Street A, as shown in the Subject Application, and determined that the design substantially conforms with the Master Plan. The issue of LATIP credits is not a part of this review and is a separate issue.

SECTION 8: CONCLUSION

As conditioned, Sketch Plan No. 320220050, Preliminary Plan No. 120220060, and Site Plan No. 820220210 applications each satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2014 *White Oak Science Gateway Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of Sketch Plan No. 320220050, Preliminary Plan No. 120220060, and Site Plan No. 820220210 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Sketch/Preliminary/Site Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: NRI/FSD

Attachment E: Community Correspondence

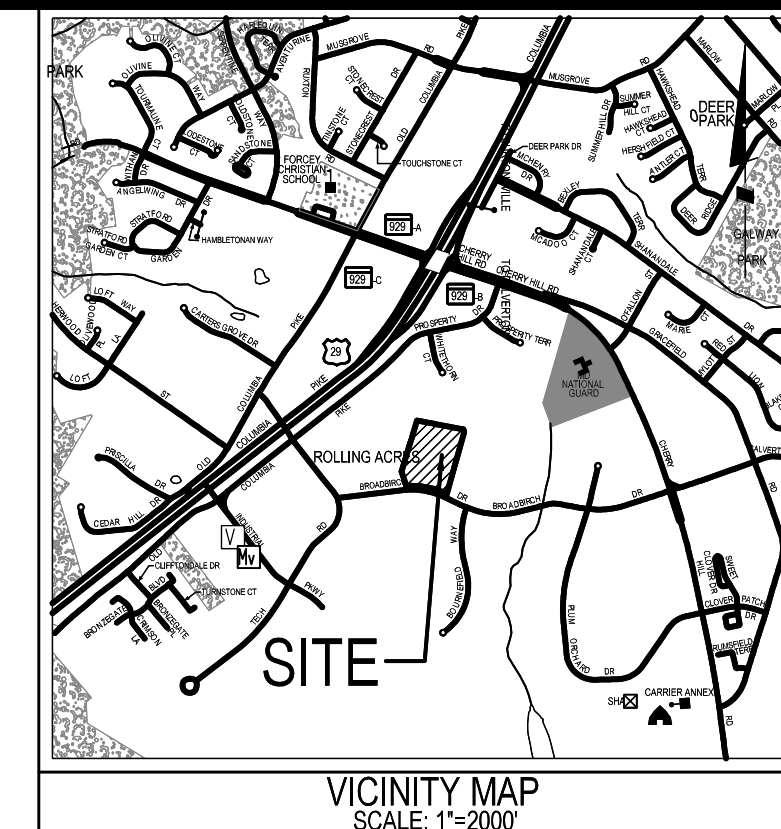
WHITE OAK APARTMENTS

SKETCH PLAN

320220050

COLESVILLE (5TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Attachment A



ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.948.2750 F. 301.948.9067
www.solteszco.com

Engineering
Surveying
Planning
Environmental Sciences

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-251-7771 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR THIRTY (30) INCHES, WHATEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER / DEVELOPER / APPLICANT

WHITE OAK APARTMENTS LLC
1228 EUCUD AVENUE
4TH FLOOR
CLEVELAND, OH 44115
(204) 614-4322
KARL ALT

COVER SHEET

SKETCH PLAN #320220050 WHITE OAK APARTMENTS

COLESVILLE (5TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

DATE	DESCRIPTION	INCLUDED
07/13/2021	SCHEMATIC DESIGN PACKAGE	<input type="checkbox"/>
08/24/2021	50% DESIGN DEVELOPMENT SUB.	<input type="checkbox"/>
10/05/2021	DESIGN DEVELOPMENT SUBMISSION	<input checked="" type="checkbox"/>
01/05/2022	75% CD SUBMISSION	<input checked="" type="checkbox"/>

TAX MAP KQ343	ZONING CATEGORY: CRF-1.25, C-0.25, R-1.25, H-85
WSBC 200' SHEET 216NE03	MASTER PLAN: WHITE OAK SCIENCE GATEWAY
SITE DATUM HORIZONTAL: NAD 83/91 VERTICAL: NSVD29	WATERSHED: LITTLE PAINT BRANCH
DATE: 4/19/2022 DESIGNED: JOW TECHNICIAN: JOW CHECKED: KDL CADD STOPS: VERSION: V8 / NCS	
SHEET 1 OF 8	PROJECT NO. 4007-01-00

PLANNING DEPARTMENT USE ONLY (E-PLANS)

SHEET INDEX:

APPLICATION DRAWINGS

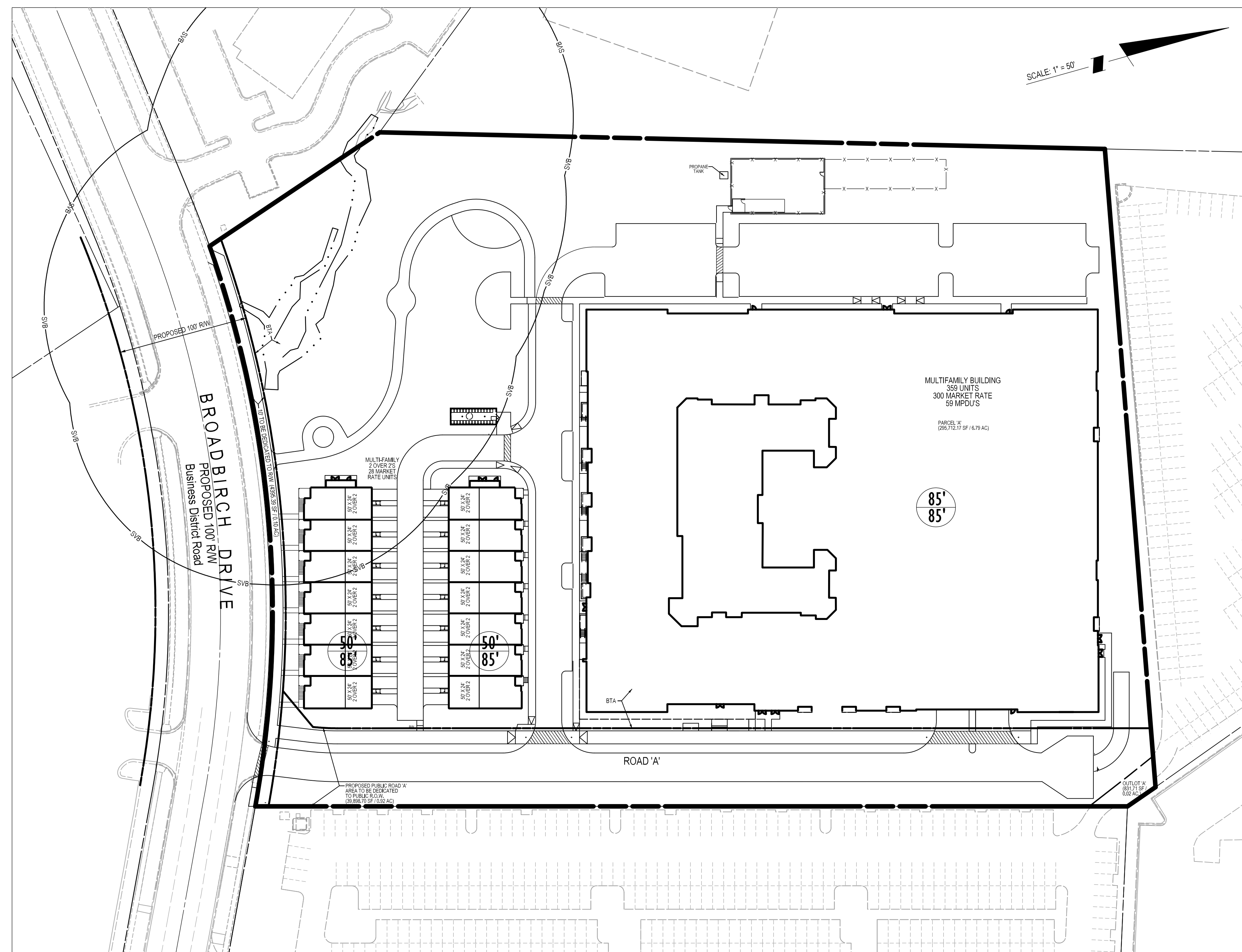
SHEET 1	COVER SHEET
SHEET 2	SKETCH PLAN DRAWING
SHEET 3	MASSING DIAGRAM
SHEET 4	PUBLIC USE AND OPEN SPACE EXHIBIT
SHEET 5	CIRCULATION EXHIBIT
SHEET 6	SERVICE TRUCK EXHIBIT
SHEET 7	SURROUNDING AREA EXHIBIT
SHEET 8	PUBLIC BENEFITS

SUPPORT DRAWINGS

SHEET 1	PERSPECTIVE VIEWS
SHEET 2	FIRE DEPARTMENT ACCESS PLAN
SHEET 3	ILLUSTRATIVE CROSS SECTIONS

GENERAL NOTES:

- THE EXISTING ZONE IS: CRF-1.25, C-0.25, R-1.25, H-85.
- THE PROPOSED ZONE IS: CRF-1.25, C-0.25, R-1.25, H-85.
- THIS PROPERTY IS IDENTIFIED AS PARCEL EEEE, LIBER 54794, FOLIO 361 AND TAX NUMBER 03268832.
- THE GROSS TRACT AREA IS 8.22 AC (358,092 SF).
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE 2014 WHITE OAK SCIENCE GATEWAY MASTER PLAN.
- THE SUBJECT PROPERTY LIES WITHIN THE LITTLE PAINT BRANCH WATERSHED.
- THE SUBJECT PROPERTY IS NOT IN A SPECIAL PROTECTION OR PRIMARY MANAGEMENT AREA.
- THERE IS NO FLOODPLAIN ON SITE PER FEMA MAP #24031C0390D.
- NO WETLANDS WERE IDENTIFIED ON THE SITE PER A FIELD INVESTIGATION BY WETLAND STUDIES AND SOLUTIONS, INC. IN 11/2020.
- AN INTERMITTENT STREAM IS LOCATED IN THE SOUTHWESTERN CORNER OF THE SITE AND IS SHOWN, WITH ASSOCIATED BUFFER, ON THE APPROVED NRI/FSD #420211170.
- SOILS INFORMATION FROM APPROVED NRI/FSD #420211170 BY WETLAND STUDIES AND SOLUTIONS, INC.
- NO RARE, THREATENED, OR ENDANGERED SPECIES WERE OBSERVED ON THE PROPERTY PER LETTER FROM MD DNR DATED 01/14/2021.
- THE PROPERTY IS NOT ON THE LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES AND NO HISTORIC FEATURES EXIST ON OR ADJACENT TO THE SITE.
- EXISTING WATER AND SEWER CATEGORIES ARE W-1 AND S-1, RESPECTIVELY.
- PEPCO, WASHINGTON SUBURBAN SANITARY COMMISSION, AND WASHINGTON GAS WILL PROVIDE UTILITY SERVICE TO THE SITE.
- ALL STREET TREES ARE TO BE DESIGNED TO MCDOT STANDARDS AND REVIEWED AND APPROVED BY MCDPS.
- M-NCPPC MUST INSPECT ALL TREE SAVE AREAS AND PROTECTION DEVICES
- ALL PUBLIC SIDEWALKS TO BE MIN. 5' WIDE AND ADA COMPLIANT. ALL PUBLIC HANDICAP RAMPS SUBJECT TO FINAL REVIEW AND APPROVAL BY MCDPS RIGHT-OF-WAY AT TIME OF PERMIT.
- PAVEMENT MARKINGS AND SIGNAGE ON PUBLIC STREETS ARE FOR REFERENCE ONLY AND WILL BE FINALIZED AT ROW PERMIT UNDER SIGNING AND MARKING PLAN.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED UTILITY DRAWINGS FOR FINAL LOCATIONS.
- FIELDWORK FOR NATURAL RESOURCES WAS COMPLETED BY WETLAND STUDIES AND SOLUTIONS, INC. IN 11/2020. BOUNDARY INFORMATION DERIVES FROM A SURVEY CONDUCTED BY SOLTESZ AS SHOWN ON THE ALTA/NSPS LAND TITLE SURVEY DATED 04/2020. TOPOGRAPHIC INFORMATION IS FROM MNCPPC GIS AND A SURVEY COMPLETED BY SOLTESZ IN 12/2020.



LEGEND:

---	PROPERTY BOUNDARY
- - -	EXISTING RIGHT-OF-WAY
---	PROPOSED RIGHT-OF-WAY
---	EXISTING BUILDING
---	PROPOSED BUILDING
---	STREAM VALLEY BUFFER
---	EXISTING STREAM

SITE DATA TABLE

Gross Tract Area	358,092 SF (8.22 AC)
Parcel EEEE	340,638 SF (7.83 AC)
Prior R.O.W. Dedication	17,170 SF (0.39 AC)
Net Tract Area	340,638 SF (7.83 AC)
Parcel EEEE	340,638 SF (7.83 AC)
Proposed Dedication	4,395,39 SF (0.10 AC)
Proposed R.O.W. Broadbirch Drive	39,896,70 SF (0.92 AC)
Proposed R.O.W. Road 'A' Dedication	44,294,09 SF (1.02 AC)
Total Dedication	44,294,09 SF (1.02 AC)
Net Lot Area	295,712,17 SF (6.79 AC)
Parcel 'A'	831,71 SF (0.02 AC)
Outlet 'A'	831,71 SF (0.02 AC)
Existing Zoning	CRF-1.25, C-0.25, R-1.25, H-85
Existing Use	Office
Proposed Zoning	CRF-1.25, C-0.25, R-1.25, H-85
Proposed Use	Multi-Unit Living
Development Program	Single Phase
Commercial Uses	0 SF
Residential Units	387 DU
MPDUs Provided (15.0%)	59 DU
Proposed 10' R/W Dedication Broadbirch Dr	4,395,39 SF (0.10 AC)
Proposed R.O.W. Road 'A' Dedication	39,896,70 SF (0.94 AC)
Outlet A	831,71 SF (0.02 AC)

DEVELOPMENT STANDARDS		Permitted/Required	Provided
Density	FAR (Floor Area Ratio)	CRF-1.25, C-0.25, R-1.25, H-85 0.25 FAR (89,502 SF) 1.25 FAR (447,510 SF) 1.25 FAR (447,510 SF)	CRF-1.25, C-0.25, R-1.25, H-85 0.0 FAR (0 SF) 1.24 FAR (443,400 SF) 1.24 FAR (443,400 SF)
Building Height	Multi-Family Building 2 over 2 Buildings	85' 85'	70' (not to exceed 75') 50' (not to exceed 55')
Open Space	Public Open Space Private Open Space	10% Public Open Space 10% Public Open Space	34,820 SF (0.79%) 14,982 SF (0.42%)
Setbacks	Front setback (to Broadbirch Drive) Side setback (to existing western boundary) Rear setback (to existing northern boundary) Side Setback (to existing eastern boundary)	(determined at Floating Zone Plan) 10' 0' 10' 60'	14' 124' 15' 60' from existing eastern boundary (7' from proposed Road A right-of-way)
Public Benefit Points	100 Points from 4 Categories	128.32 Points from 4 Categories	
Parking	APARTMENT BUILDING Residential Units Baseline Requirement Efficiency Units One-Bedroom Units Two-Bedroom Units Three-Bedroom Units Market Rate Multi-Unit Requirement 42 Efficiency Units 150 One-Bedroom Units 86 Two-Bedroom Units 49 Three-Bedroom Units MPDU Requirement (0.50 Adjustment Factor) 8 Efficiency Units 28 One-Bedroom Units 15 Two-Bedroom Units 8 Three-Bedroom Units Total Parking Requirement	Parking Required Min. 1.00, Max. 1.00 Min. 1.00, Max. 1.25 Min. 1.00, Max. 1.50 Min. 1.00, Max. 2.00 Min. 43, Max. 43 Min. 150, Max. 188 Min. 86, Max. 129 Min. 49, Max. 98 Min. 4, Max. 8 Min. 14, Max. 35 Min. 8, Max. 22 Min. 4, Max. 16 Min. 358, Max. 540	Parking Provided 69 361 2 5 1 4 8 76 auto spaces + 2 motorcycle spaces 2 2 2 1 2 10 spaces 56 spaces 28 spaces 28 spaces 94 long term spaces 6 short term spaces

WHITE OAK APARTMENTS

PRELIMINARY PLAN

120220060

COLESVILLE (5TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PLANNING DEPARTMENT USE ONLY (E-PLANS)

SHEET INDEX:

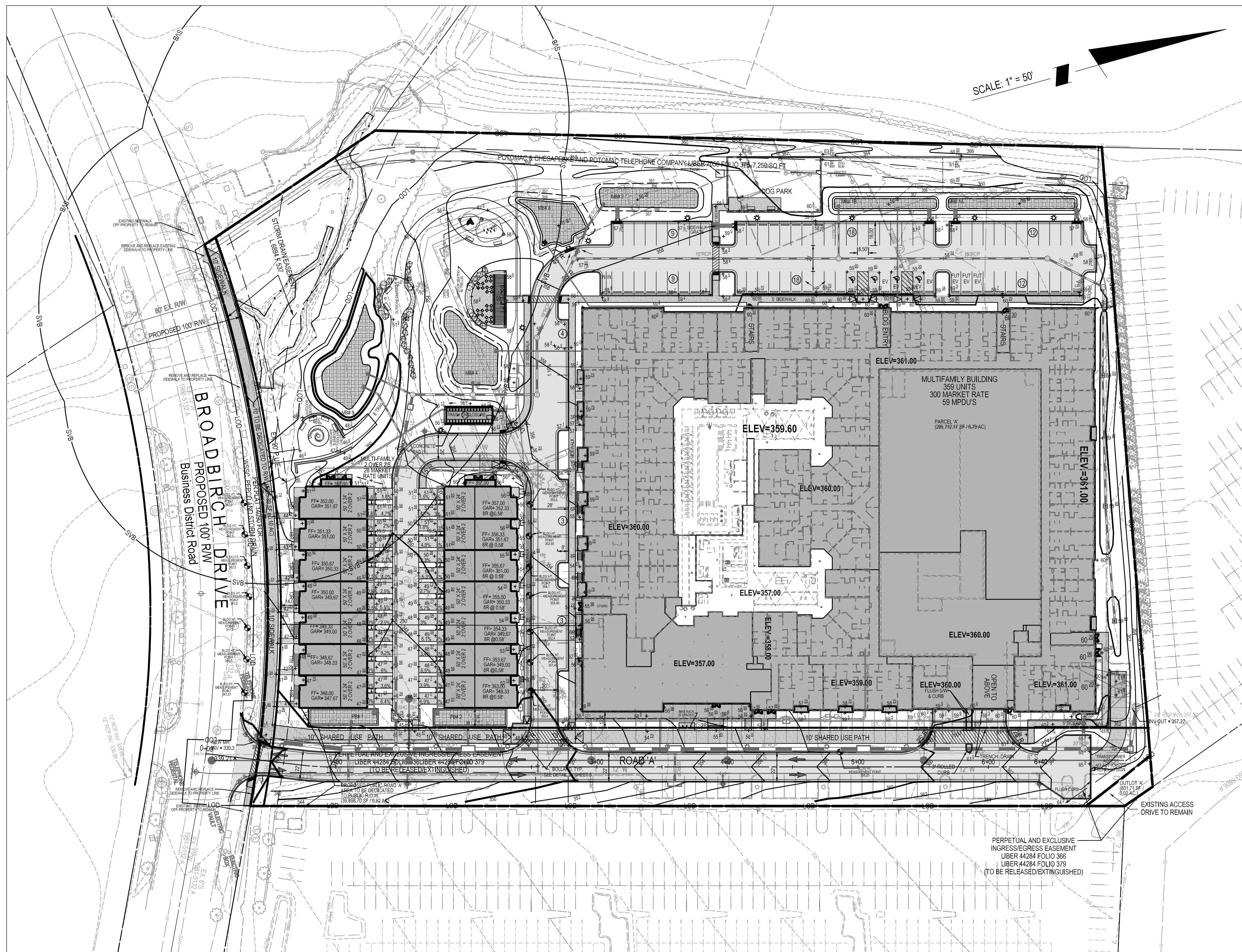
- | | |
|---------|---------------------|
| SHEET 1 | COVER SHEET |
| SHEET 2 | APPROVAL SHEET |
| SHEET 3 | EXISTING CONDITIONS |
| SHEET 4 | PRELIMINARY PLAN |
| SHEET 5 | LOT AND PARCEL PLAN |
| SHEET 6 | CROSS SECTIONS |

GENERAL NOTES:

- THE EXISTING ZONE IS: CR-0.75
- SUBJECT PROPERTY AREA: 341,338 SF OR 7.84 AC
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE WHITE OAK SCIENCE GATEWAY MASTER PLAN.
- THE SUBJECT PROPERTY LIES WITHIN THE LITTLE PAINT BRANCH WATERSHED.
- NO FLOODPLAIN EXISTS ON THE SITE.
- NO HISTORIC FEATURES EXIST ON OR ADJACENT TO THE SUBJECT PROPERTY.
- EXISTING WATER AND SEWER CATEGORIES ARE W-1 AND S-1, RESPECTIVELY.
- ALL STREET TREES ARE TO BE DESIGNED TO MCDOT STANDARDS AND REVIEWED AND APPROVED BY MCDPS.
- M-NCPPC MUST INSPECT ALL TREE SAVE AREAS AND PROTECTION DEVICES
- ALL PUBLIC SIDEWALKS TO BE MIN. 5' WIDE AND ADA COMPLIANT. ALL PUBLIC HANDICAP RAMPS SUBJECT TO FINAL REVIEW AND APPROVAL BY MCDPS RIGHT-OF-WAY AT TIME OF PERMIT.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED UTILITY DRAWINGS FOR FINAL LOCATIONS.

LEGEND:

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	PROPOSED RIGHT OF WAY
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EX. WATER LINE
	PROPOSED WATER LINE AND STRUCTURE
	EX. SEWER LINE AND MANHOLE
	PROPOSED SEWER LINE
	EX. STORM DRAIN
	PROPOSED STORM DRAIN PIPE
	PROPOSED BUILDING
	PROPOSED SWM FACILITY
	EXISTING STREAM
	STREAM VALLEY BUFFER
	PUE



SITE DATA TABLE

Gross Tract Area	358,008 SF (8.22 AC)
Parcel EEEE	340,838 SF (7.83 AC)
Prior R.O.W. Dedication	17,170 SF (0.39 AC)
Net Tract Area	340,838 SF (7.83 AC)
Proposed Dedications	
Proposed R.O.W. Broadbitch Drive	4,395.39 SF (0.10 AC)
Proposed R.O.W. Road 'A' Dedication	39,898.70 SF (0.92 AC)
Total Dedication	44,294.09 SF (1.02 AC)
Net Lot Area	
Parcel 'A'	295,712.17 SF (6.79 AC)
Outlot 'A'	831.71 SF (0.02 AC)
Existing Zoning	CRF-1.25, C-0.25, R-1.25, H-85
Existing Use	Office
Proposed Zoning	CRF-1.25, C-0.25, R-1.25, H-85
Proposed Use	Multi-Unit Living
Development Program	Single Phase
Commercial Uses	0 SF
Residential Units	387 DU
MPDUs Provided (15.0%)	59 DU
Proposed R.O.W. Dedication Broadbitch Dr	4,395.39 SF (0.10 AC)
Proposed R.O.W. Road 'A' Dedication	39,898.70 SF (0.94 AC)
Outlot A	831.71 SF (0.02 AC)

DEVELOPMENT STANDARDS

	Permitted/Required	Provided
Density		
FAR (Floor Area Ratio)	CRF-1.25, C-0.25, R-1.25, H-85	CRF-1.25, C-0.25, R-1.25, H-85
Commercial	0.25 FAR (80,502 SF)	0.0 FAR (0 SF)
Residential	1.25 FAR (447,510 SF)	1.24 FAR (443,400 SF)
Total FAR	1.25 FAR (447,510 SF)	1.24 FAR (443,400 SF)
Building Height		
Multi-Family Building	85'	70' (not to exceed 75')
2 over 2 Buildings	85'	50' (not to exceed 55')
Open Space		
Public Open Space	10% Public Open Space	10% Public Open Space
Private Open Space		34,800 SF (10%)
		14,982 SF (4%)
Setbacks	(determined at Floating Zone Plan)	
Front setback (to Broadbitch Drive)	10'	14'
Side setback (to existing western boundary)	0'	124'
Rear setback (to existing northern boundary)	10'	15'
Side Setback (to existing eastern boundary)	60'	60' from existing eastern boundary
		0' from proposed Road A right-of-way
Public Benefit Points	100 Points from 4 Categories	128.32 Points from 4 Categories

Parking

	Parking Required	Parking Provided
APARTMENT BUILDING		
Residential Units Baseline Requirement		
Efficiency Units	Min. 1.00, Max. 1.00	
One-Bedroom Units	Min. 1.00, Max. 1.25	
Two-Bedroom Units	Min. 1.00, Max. 1.50	
Three-Bedroom Units	Min. 1.00, Max. 2.00	
Market Rate Multi-Unit Requirement		
43 Efficiency Units	Min. 43, Max. 43	
150 One-Bedroom Units	Min. 150, Max. 188	
86 Two-Bedroom Units	Min. 86, Max. 129	
49 Three-Bedroom Units	Min. 49, Max. 98	
MPDU Requirement (0.5% Adjustment Factor)		
8 Efficiency Units	Min. 4, Max. 8	
28 One-Bedroom Units	Min. 14, Max. 35	
15 Two-Bedroom Units	Min. 8, Max. 23	
8 Three-Bedroom Units	Min. 4, Max. 16	
Total Parking Requirement	Min. 358, Max. 540	
Parking Provided		
Parking Garage		380 auto + 8 motorcycle spaces
Standard		361
Handicapped		7
Handicapped Van Accessible		2
EV Standard		5
EV Handicapped		1
Car share		4
Motorcycle		8
Surface Parking Lot		76 auto spaces + 2 motorcycle spaces
Standard		69
Handicapped Van Accessible		2
EV Standard		2
EV Handicapped		2
Car share		1
Motorcycle		2
On-site street parking		10 spaces
2-OVER-2 BUILDINGS	2/DU	56 spaces
Integral garages		28 spaces
Driveway parking		28 spaces
Bicycle Parking		
94 long term spaces		96 long term spaces in garage
6 short term spaces		6 short term spaces at main entrance

BINDING ELEMENTS:

- Residential development may not exceed 400 dwelling units.
- A minimum of 15% of the dwelling units constructed must be Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code.
- Uses shall be limited to multi-unit living inclusive of two-over-two or stacked multi-family units.



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Planning
Environmental Sciences

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-351-7771 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHATEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER / DEVELOPER / APPLICANT

WHITE OAK APARTMENTS LLC
1228 EUCUD AVENUE
4TH FLOOR
CLEVELAND, OH 44115
(204) 614-4322
KARL ALT

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 93021 EXPIRATION DATE: 06-18-2022

COVER SHEET

PRELIMINARY PLAN #120220060
WHITE OAK APARTMENTS

COLESVILLE (5TH) ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND

ISSUE

DATE	DESCRIPTION	INCLUDED
07/13/2021	SCHEMATIC DESIGN PACKAGE	<input type="checkbox"/>
08/24/2021	50% DESIGN DEVELOPMENT SUB.	<input type="checkbox"/>
10/05/2021	DESIGN DEVELOPMENT SUBMISSION	<input checked="" type="checkbox"/>
01/05/2022	75% CD SUBMISSION	<input checked="" type="checkbox"/>

TAX MAP

K0343

ZONING CATEGORY:

CRF-1.25, C-0.25, R-1.25, H-85

WSBC 200' SHEET

216NE03

MASTER PLAN:

WHITE OAK SCIENCE GATEWAY

SITE DATUM

HORIZONTAL: NAD 83/91

VERTICAL: NAVD83

WATERSHED:

LITTLE PAINT BRANCH

DATE:

4/19/2022

DESIGNED:

ECO

TECHNICIAN:

JLP

CHECKED:

QAD STP

VERSION:

V8 / NCS

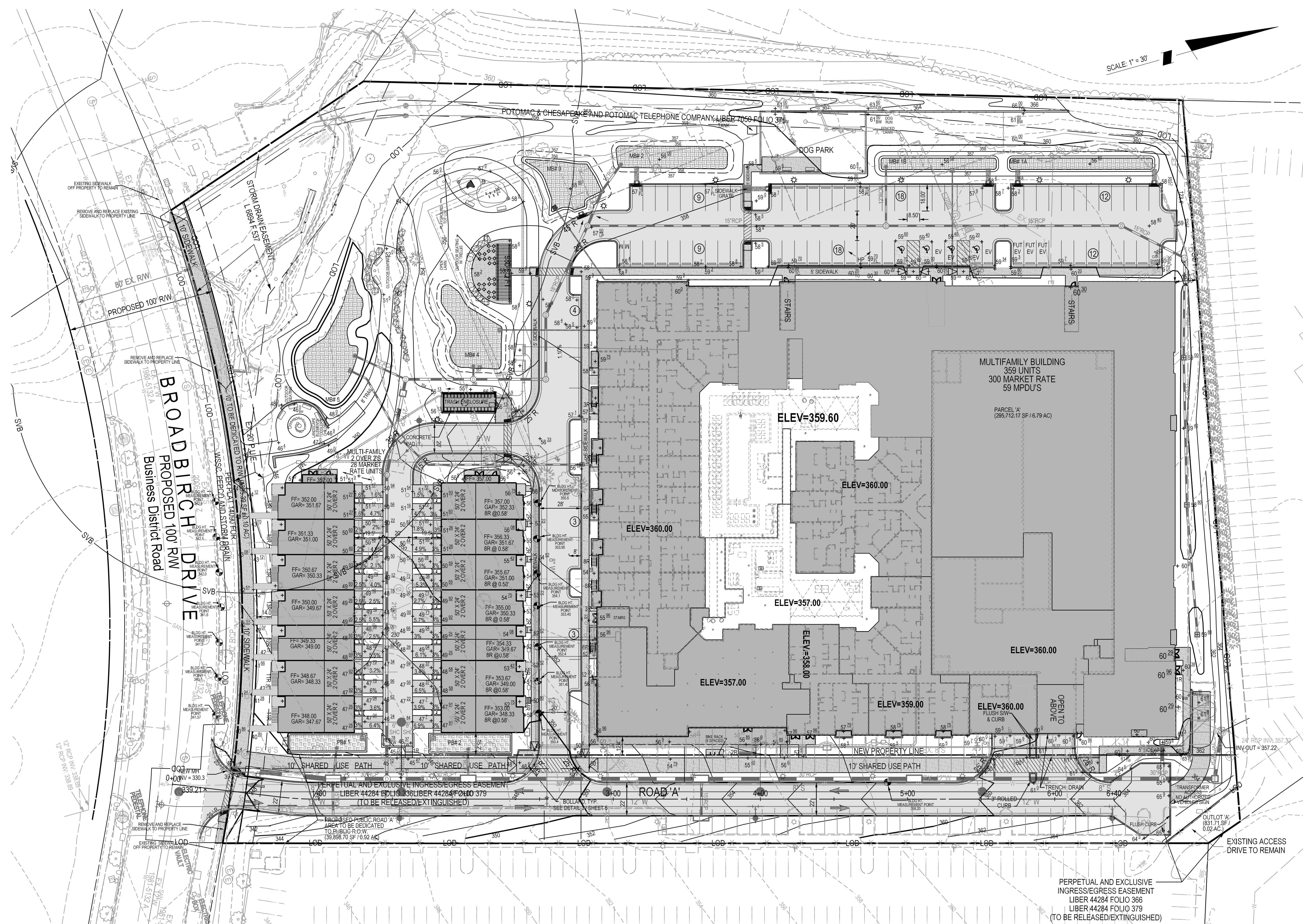
PROJECT NO.

4007-01-00

C 2.1.1

LEGEND:

- | | |
|--|-----------------------------------|
| | PROPERTY LINE |
| | ADJOINING PROPERTY LINE |
| | PROPOSED RIGHT OF WAY |
| | EXISTING CONTOUR |
| | PROPOSED CONTOUR |
| | EX. WATER LINE |
| | PROPOSED WATER LINE AND STRUCTURE |
| | EX. SEWER LINE AND MANHOLE |
| | PROPOSED SEWER LINE |
| | EX. STORM DRAIN |
| | PROPOSED STORM DRAIN PIPE |
| | PROPOSED BUILDING |
| | PROPOSED SWM FACILITY |
| | EXISTING STREAM |
| | STREAM VALLEY BUFFER |
| | PUE |



NOTE: PROPOSED PAVEMENT MARKING AND SIGNAGE ARE FOR REFERENCE ONLY AND WILL BE FINALIZED AT ROW PERMIT UNDER SIGNING AND MARKING PLAN

PERPETUAL AND EXCLUSIVE -
INGRESS/EGRESS EASEMENT
LIBER 44284 FOLIO 366
LIBER 44284 FOLIO 379
(TO BE RELEASED/EXTINGUISHED)

DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Site Plan Approval No. 820220110, including Approval Conditions, Development Program and Certified Site Plan.	
Developer's Name:	<div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> Company Contact Person </div>
Address:	<div style="border-bottom: 1px solid black; width: 100%;"></div>
Phone:	<div style="border-bottom: 1px solid black; width: 100%;"></div>
Signature:	<div style="border-bottom: 1px solid black; width: 100%;"></div>



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Surveying
Planning
Environmental Sciences

NO.	REVISIONS	BY	DATE
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MISS UTILITY NOTE

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OWNER / DEVELOPER / APPLICANT

WHITE OAK APARTMENTS LLC
1228 EUCLID AVENUE
4TH FLOOR
CLEVELAND, OH 44115
(240) 614-4322
KARL ALT

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MARYLAND.
LICENSE NO. 30287, EXPIRATION DATE: 05-18-2022




SITE PLAN

SITE PLAN #820220110
WHITE OAK APARTMENTS

OFFICE OF THE CLERK OF SUPERIOR COURT, MONTGOMERY COUNTY, MARYLAND

ISSUE		
DATE	DESCRIPTION	INCLUDED
07/13/2021	SCHEMATIC DESIGN PACKAGE	<input type="checkbox"/>
08/24/2021	50% DESIGN DEVELOPMENT SUB.	<input type="checkbox"/>
10/05/2021	DESIGN DEVELOPMENT SUBMISSION	<input checked="" type="checkbox"/>
01/05/2022	75% CD SET SUBMISSION	<input checked="" type="checkbox"/>
02/28/2022	90% CD - PERMIT SET	<input checked="" type="checkbox"/>

TAX MAP KQ343	ZONING CATEGORY: CRF-1.25, C-0.25, R-1.25, H-85
WSSC 200' SHEET 216NE03	MASTER PLAN: WHITE OAK SCIENCE GATEWAY
SITE DATUM HORIZONTAL: <u>NAD 83/91</u> VERTICAL: <u>NGVD29</u>	WATERSHED: LITTLE PAINT BRANCH

 <p>1" = 30'</p>	<p>DATE: 4/19/2022</p> <p>DESIGNED: NC</p> <p>TECHNICIAN: NC</p> <p>CHECKED: JLP</p> <p>CAD STD'S. V8 / NCS</p> <p>VERSION:</p>
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PROJECT NO.	4007-01-01
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C 3.1.1

Attachment B

Resolution No.: ``19-1128

Introduced: January 11, 2022

Adopted: January 11, 2022

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: APPLICATION NO. H-141 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Soo Lee-Cho. Esquire. Attorney for the Applicant. White Oak Apartments. LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 05-03268832.

OPINION

White Oak Apartments, LLC (White Oak or Applicant) filed Local Map Amendment (LMA) Application No. H-141 on May 19, 2021. The LMA seeks to rezone approximately 7.83 acres of property from the CR 0.75, C-0.75, R-0.25, H-75 (Commercial Residential Zone) to the CRF 1.25, C-0.25, R-1.25, H-85 (Commercial Residential Floating Zone). Exhibit 1. The subject property is located at 2220 Broadbirch Drive, White Oak, MD, further identified as Parcel EEEE in the Westfarm Technology Park subdivision (Tax Account No. 05-03268832). *Id.*

Staff of the Montgomery County Planning Department (Planning Staff or Staff) recommended approval of the application on August 27, 2021. Exhibit 33. The Planning Board recommended approval of the LMA on September 10, 2021 and approved a Preliminary Forest Conservation Plan (PFCP) for the proposed development on September 9, 2021. Exhibit 34. OZAH's public hearing proceeded as noticed on September 24, 2021. The Hearing Examiner issued her report recommending approval on November 4, 2021.

To avoid unnecessary detail in this Opinion, the Hearing Examiner's Report is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Subject Property

The subject property consists of approximately 7.83 acres and is improved with a 66,000 square foot office building and associated parking. The property is subject to an access easement for two adjacent auto storage lots owned by DARCARS. Approximately one-third of an acre of

forest is in the southwest corner of the property. This area also contains a stream channel that outfalls into the public storm drain system. Currently, there is no stormwater management on-site.

The record demonstrates that the property lies within a federally designated "Opportunity Zone." According to Staff, the IRS defines as "an economic development tool that allows people to invest in distressed areas... to spur economic growth and job creation in low-income communities while providing tax benefits to investors." Exhibit 33, p.2.

Surrounding Area

The "surrounding area" is identified and characterized in a Floating Zone application to assess whether the development proposed by the Floating Zone Plan (FZP) will be compatible with the properties directly impacted by the use. Those properties that are directly impacted form the boundaries of the surrounding area. Once delineated, the surrounding area is "characterized" to compare the compatibility of the development proposed by the Floating Zone with the character of the area.

The Hearing Examiner agreed with the uncontroverted evidence presented by Staff and the Applicant that the surrounding area is defined by Columbia Pike (U.S.29) to the west, Cherry Hill Road to the north, Plum Orchard Drive to the east, and Industrial Parkway and properties to the south, as depicted on an aerial photograph in the Staff Report (Exhibit 33, p. 4). Staff characterized the area's character as non-residential, consisting of commercial office, retail, industrial, and service uses (a hotel and hospital). The Applicant's expert land planner opined that the relevant master plan (the *2014 White Oak Science Gateway Master Plan* (Master Plan or Plan)), views future development of this area with a mix of uses including residential development.

The Hearing Examiner found that the existing character of the area was entirely non-residential but agreed that the Master Plan envisions future development to include residential uses. Based on this record, the District Council agrees with the Hearing Examiner and so finds.

Proposed Development

White Oak proposes a residential development with up to 400 multi-family dwelling units. Approximately 28 of those units will be "two-over-two" units. These units appear like townhouses from the street, but are two, two-story multi-family units on top of each other, each with an internal garage. For that reason, they will be approximately 50-55 feet in height. The Applicant's expert land planner testified that the balance of the units will be apartment-style multi-family units in one building. The maximum height of the apartment-style units will be 85 feet, the maximum permitted in the zone requested.

The Floating Zone Plan (FZP) includes the following three binding elements:

1. Residential development may not exceed 400 dwelling units.
2. A minimum of 15% of the dwelling units constructed must be Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code.

3. Uses shall be limited to multi-family dwelling units inclusive of two-over-two or stacked multi-family units.

Criteria for Approval

To approve an LMA, the District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with the coordinated and systematic development of the Regional District. See, *Md. Land Use Art.*, §21-101(a) and (b). While many of the site-specific requirements for development are addressed by later approvals, the Zoning Ordinance contains various standards, or "Necessary Findings," that the Council must make to approve the application. See, *Zoning Ordinance*, §59.7.2.1.E. These standards incorporate the requirements of other sections of the Zoning Ordinance, and most fall within three main categories: (1) conformance with the Master Plan, (2) compatibility with the surrounding area and adjacent properties, and (3) whether the project is supported by adequate public facilities.

Conformance with the Master Plan¹

The 2014 *White Oak Science Gateway Master Plan* (Master Plan or Plan) guides the development of this property. The Plan's primary goal was to recreate and reinvest in existing centers to "create a community that offers more opportunities to live-work-play locally." *Plan*, p. 9. The subject property lies in one of three "major activity centers" targeted for redevelopment.

Located in the Life Sciences Center/FDA major activity area, the Hearing Examiner and Planning Staff found that the residential development proposed furthers the Plan's goal to add residential to the existing commercial/retail development to spur redevelopment and create a "live-work-play community." The Applicant's expert land planner opined that the proposed single-use residential development furthers the "mixed use" community concept envisioned by the Plan when viewed in the context of the larger surrounding area. The District Council agrees and finds that the proposed development conforms to the Master Plan, as did the Hearing Examiner.

Compatibility

Several sections of the Zoning Ordinance require the District Council to decide whether the FZP is compatible with adjacent uses and the surrounding area.² The Hearing Examiner found

¹ Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies and whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to satisfy the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

² The application must satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter. *Zoning Ordinance*, §59.7.2.1.E.1.c. The intent of the Floating Zones requires the applicant to "ensure protection of established neighborhoods" by "establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses" and "providing development standards and general compatibility standards to protect the character of adjacent neighborhoods." *Id.*, Section 59.5.1.2.C.1 and 2. One purpose of the

that the FZP would be compatible with both adjacent properties and the surrounding area because the maximum height of the apartment building will be adjacent to an existing hotel and office building. The zero-foot setback there allows the site to transition from the maximum height of 85 feet to the two-by-two units and then open space and forest conservation easement along Broadbirch Drive. Based on this record, the District Council finds that the proposed development is compatible with the surrounding area.

Adequacy of Public Facilities/Public Interest

The District Council must also find that public facilities will be adequate to serve the FZP.³

The FZP must comply with the Planning Board's Local Area Transportation Review (LATR) Guidelines. *Zoning Ordinance*, 59.7.2.1.E.1.c. Evidence demonstrates that the property falls within the White Oak Local Area Transportation Improvement Program area (LATIP), which is exempt from review under the Local Area Transportation Review (LATR) Guidelines. Exhibit 33, p. 15. Development within the LATIP area must pay a fee based on the number of trips generated or build improvements as a credit toward the fee. *Id.*

Nevertheless, the Applicant's expert in transportation planning opined that the proposed development would generate 519 fewer person trips than would development under the existing zoning. The Hearing Examiner found that traffic facilities would be adequate to serve the use, as does the District Council.

The Applicant's expert civil engineer testified that other public facilities will be adequate to serve the use. At present, there is no stormwater management on-site. Stormwater facilities will be installed with the development. He also opined that all utilities are present at the site. Adequacy of school facilities will be decided at the time of preliminary plan review. Exhibit 33, p. 11.

The Intent of Floating Zones (§59.5.1.2)

The District Council must determine whether the FZP fulfills the intent of the Floating Zones. Several of these have already been addressed.⁴ The balance of those (from Section 59-5.1.2) are:

Commercial/Residential Floating Zones (which includes the CRF Zone), is to "provide mixed-use development that is compatible with adjacent development." *Id.*, 59.5.3.2.C.

³Section 59.7.2.1.E.2.e requires that an Applicant demonstrate that traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts..." "The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that it be "it will be consistent with a coordinated and systematic development of the Regional District" under State law. *Zoning Ordinance*, §59-7.2.1.E.1.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." *Zoning Ordinance*, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

⁴The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the *Zoning Ordinance* has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses and the adequacy of public facilities. The balance of the Floating Zone intent clauses are discussed here.

Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and

The Hearing Examiner found that the FZP met this standard by using flexible perimeter setbacks to create space for the dwelling units, public and private open space, forest conservation, and a 60-foot-wide potential right-of-way to connect to areas north of the property, recommended by the Master Plan. Whether the road will be a public connector or private road will be determined later in the development process. At this point, either can be accommodated. The District Council agrees and finds that the application meets this intent of the Floating Zones.

Section 5.1.2.B. Encourage the appropriate use of land by:

1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population;

3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and

The District Council finds that the development proposed meets this intent. The record demonstrates that the Master Plan envisioned redevelopment of the area as a mixed-use community with a significant residential component. This is the first residential development in the area since 1988, responding both to the Master Plan's vision but also "the County's acute need for additional housing." Exhibit 33, p. 12. The Applicant testified that the proposed development would provide housing near five major employers and approximately 20,000 jobs. Staff recommended, as did the Hearing Examiner, that this satisfies the County's sustainability goals due to its proximity to the BRT Flash Station. The project will also upgrade stormwater facilities on the site.

Purposes of the Commercial/Residential Floating Zones (§59.5.3.2.)

The Commercial/Residential Floating Zones have three purposes:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site; and*
- C. provide mixed-use development that is compatible with adjacent development.*

Zoning Ordinance, §59.5.3.2. The District Council has already addressed the third purpose (*i.e.*, providing compatible development) above. The Hearing Examiner found that the proposed development fulfills the remaining purposes of the Commercial/Residential Floating Zones. The FZP uses the additional height of the zone requested and flexible setbacks to accomplish a transition height adjacent to non-residential uses towards the public open space along Broadbirch Drive. It also proposes a new type of multi-family unit, the two-over-two units, that create a transition from the apartment style building to the rear of the property. Based on this record, the District Council finds that this standard has been met.

The Applicability of the Zone (Section 59.5.1.3.)

Section 59.5.1.3 of the Zoning Ordinance sets out certain prerequisites a property must meet to be eligible to apply for a Floating Zone. Section 59.5.1.3.C.3 states that there are no prerequisites for properties with a base zone of CR. This standard is inapplicable.

Uses and Building Types Permitted (Section 59.5.3.3 and 59.5.3.4)

The CRF Zone permits only the uses allowed in the Euclidean CR (Commercial/Residential) Zone and permits any building type. *Zoning Ordinance*, §§5.3.3.3, 59.5.3.4. The FZP includes a binding element limiting the use to 400 multi-family dwelling units, which are permitted in the CR Zone. These standards have been met.

Development Standards of the Zone (Section 5.3.5)

Planning Staff and the Hearing Examiner detailed the reasons for their findings that the property met the development standards of the CRF Zone. The Applicant will be required to provide public benefits under Section 59.5.3.5.E. Staff advises that this may be met in several ways, and the Hearing Examiner found that the property can meet this requirement. The public benefits required will be finally determined at site plan. Uncontroverted testimony and evidence in this record supports a finding that the FZP meets the remaining development standards of the CRF Zone.

Conclusion

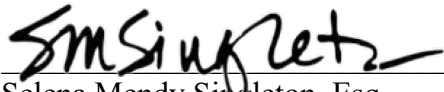
Based on the foregoing analysis and after a thorough review of the entire record, including the Hearing Examiner's Report issued November 4, 2021, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with the coordinated and systematic development of the Regional District under State law.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-141, requesting reclassification from the existing CR 0.75, C-0.75, R-0.25, H-75 (Commercial Residential Zone) to the CRF 1.25, C-0.25, R-1.25, and H-85 (Commercial Residential Floating Zone), for property located at 2220 Broadbirch Drive, White Oak, MD, further identified as Parcel EEEE in the Westfarm Technology Park subdivision (Tax Account No. 05-03268832), is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 40, provided that the Applicant files an executed Declaration of Covenants (Exhibit 41) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7 .2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read "SM Singleton", written over a horizontal line.

Selena Mendy Singleton, Esq.
Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OCT 14 2021

MCPB No. 21-098
Forest Conservation Plan No. H-141
White Oak Apartments
Date of Hearing: September 9, 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on May 18, 2021, White Oak Apartments, LLC ("Applicant") filed an application for approval of a forest conservation plan on approximately 7.83 acres of land located at 2220 Broadbirch Drive, Silver Spring ("Subject Property") in the 2014 *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. H-141 ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated August 27, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 9, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 9, 2021, the Planning Board approved the Forest Conservation Plan on motion of Commissioner Cichy; seconded by Commissioner Patterson; with a vote of 4-0, Chair Anderson, Commissioners Cichy, Patterson, and Verma voting in favor.

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. H-141 on the Subject Property, subject to the following conditions:¹

1. The Applicant must submit a Final Forest Conservation Plan to be reviewed and approved in conjunction with Site Plan approval.
2. The Final Forest Conservation Plan must include:
 - a. Additional planting areas between the existing forest and proposed pedestrian connection.
 - b. An invasive management plan for the existing forest.
 - c. Detailed and specific tree protection measures.
 - d. Limits of Disturbance (LOD) consistent with the LOD on the Sediment and Erosion Control Plan.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Applicant is proposing to clear 0.02 acres of forest and protect 0.24 acres of forest in a Category I Conservation Easement. The remaining 0.09 acres of forest are numerically shown as cleared due to existing and proposed utility easements. Through the regulatory process, the Applicant will explore additional tree plantings onsite and will meet any remaining forest conservation requirements off-site.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

~~OCT 14 2021~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, September 23, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 10-Mar-22
TO: Jane Przygocki
Rodgers Consulting, Inc.
FROM: Marie LaBaw
RE: White Oak Apartments
820220110

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Mar-22**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** See statement of performance based design ***

*** 5/5/2022 Add pedestrian refuge island at garage/loading ***

May 4, 2022

S. Marie LaBaw, PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902

Re: White Oak Apartments
Site Plan 820220110

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 5/5/2022
original 3/10/2022

Dear Dr. LaBaw,

On behalf of our client, White Oak Apartments LLC, we are requesting the review and approval of amendment to the approved Fire Department Access Plan for the project.

The Fire Department Access Plan was reviewed and approved on March 10, 2022. At the request of the M-NCPPC Area Transportation staff, we have added an island with a 3" mountable curb to provide a pedestrian refuge for safety in crossing the entrances to the garage and loading area. This island will have a concrete surface and will be engineered to provide load-bearing capacity of 85,000 pounds, as prescribed by the fire code for fire access. This area is proposed to be used for a turnaround at the end of Road A.

As designed, the proposed island will not create an operational issue for fire apparatus due to its low profile and mountable curb. It will provide additional safety for pedestrians at the crossing while providing for the dimensional and operational needs for turnaround of fire apparatus and will meet the intent of the code.

Provided for your review are the revised Fire Department Access Plan and an enlargement of the area of the amendment on a page size (8-1/2" x 11") drawing.

If you have any further comments or questions, please do not hesitate to contact our office.

Sincerely,



Soltesz, Inc.
Timothy J. Stemmann, PE
Project Manager

cc: Karl Alt
Don Foor

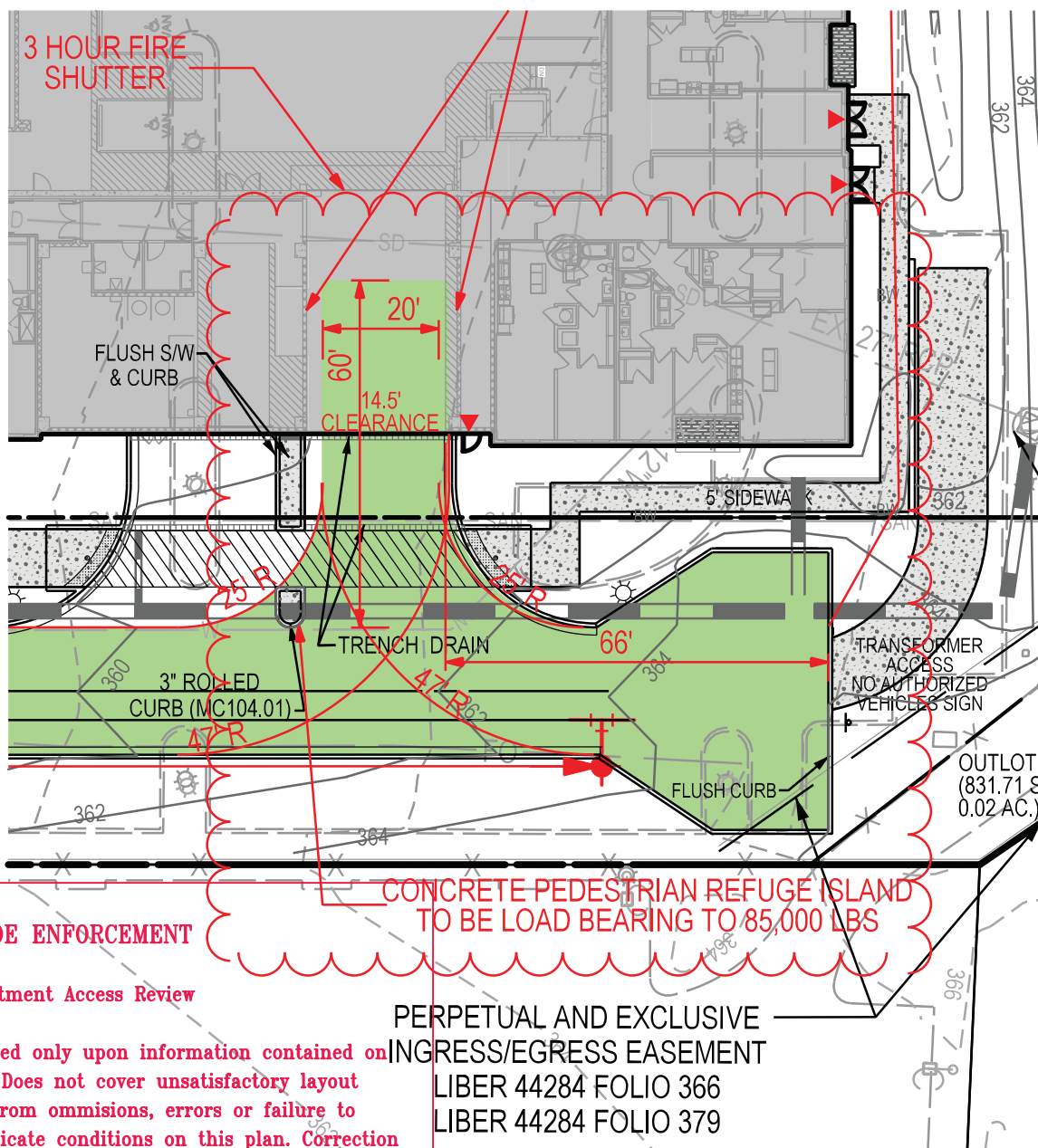


PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 30287, EXPIRATION DATE: 05-18-2024

The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). If this document was not obtained directly from SOLTESZ and/or it was transmitted electronically, SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained hereon is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

SCALE: 1" = 30'



FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 5/5/2022
original 3/10/2022

PERPETUAL AND EXCLUSIVE
INGRESS/EGRESS EASEMENT
LIBER 44284 FOLIO 366
LIBER 44284 FOLIO 379

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 30287, EXPIRATION DATE: 05-18-2024



SOLTESZ, Inc.
2 Research Place, Suite 100
Rockville, MD 20850
P.301.948.2750 F.301.948.9067
www.solteszco.com

FIRE ACCESS PLAN WHITE OAK APARTMENT

COLESVILLE (5TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

JOB NO. 4007-01-00

SCALE 1" = 30'

DATE MAY 2022



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

April 18, 2022

Ms. Amy Lindsey
Montgomery County Planning Department
2425 Reedie Drive
Wheaton, Maryland 20902

Re: White Oak Apartments
Site Plan No. 820220110

Dear Ms. Lindsey:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval with the below condition:

1. The bedroom mix and locations for MPDUs will be determined at the Agreement to Build submission.

Sincerely,

Julia Chen

Julia Chen, Planning Specialist
Affordable Housing Programs Section

cc: Soo Lee-Cho

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

May 12, 2022

Mr. Timothy Stemann
Soltesz, Inc.
2 Research Pl.,
Rockville MD 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
White Oak Apartments
Preliminary Plan #: 80220110
SM File #: 287807
Tract Size/Zone: 8.22 ac.
Total Concept Area: 7.52 ac.
Parcel(s): EEE Westfarm Technology Park
Watershed: Little Paint Branch

Dear Mr. Stemann:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 6 microbio retention and 2 planter boxes. Due to site constraints, a partial waiver of stormwater management requirements was requested, and is hereby granted. Stormwater quantity control is waived to the Westfarm Regional Pond.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permitting-services

Mr Timothy Steman
May 13, 2022
Page 2 of 2

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Bill Musico PE at 240-777-6340.

Sincerely,

Mark Etheridge

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: WJM

cc: N. Braunstein
SM File # 287807

ESD: Required/Provided 2.00 cf / 1.06 cf
PE: Target/Achieved: 35,502"/18,834"
STRUCTURAL: 14,674 cf (off-site Westfarm Regional Pond)
WAIVED: 14,674 cf

820220110 White Oak Apartments

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-SITE-820220110-004.pdf V5” uploaded on/ dated **“4/19/2022”** and

The followings need to be addressed prior to the certification of site plan:

1. Access points on public roads:
 - a. Provide safe truck turning for all access points and (especially right turn) movements.
 - b. Clarify the proposed access label within the turnaround that is intended for authorized vehicles only.
2. Provide public sidewalk:
 - a. Remove the trench drain at the proposed driveway and ensure positive drainage toward ROW.
 - b. For the sidewalks/ shared use paths handicap ramps to be distinguished from vehicular travel lanes, appropriate signage is needed (R5-3).



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

June 1, 2022

Ms. Amy Lindsey, Planner Coordinator
Mid-County Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Sketch Plan No. 320220050
Preliminary Plan No. 120220060
White Oak Apartments
Sketch & Preliminary Plan Letter

Dear Ms. Lindsey:

We have completed our review of the sketch plan and preliminary plan uploaded on eplans dated April 20, 2022, and April 19, 2022, respectively and the additional documents received via email. A previous plan was reviewed by the Development Review Committee at its March 15, 2022, meeting. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
2. The roadway cross section for the roadways along the frontage shall be the following:
 - i. Proposed Road 'A' (60-ft right-of-way) -West (Site Frontage) to East
 - Proposed 2-ft Maintenance Buffer
 - Proposed 10-ft Shared Use Path
 - Proposed 7-ft Tree Panel
 - Proposed two-11-ft Travel Lanes

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

- Proposed 19-ft landscape buffer *

* The landscape buffer will be interim condition as part of this development. It will be built to the ultimate condition as part of the adjacent property redevelopment (7-ft lawn panel, 10-ft shared use path and 2-ft maintenance buffer).

ii. Broadbirch Drive: From the face of existing curb to the property line:

- Proposed 16-ft Tree Panel
- Proposed 10-ft Sidewalk with proper transition to tie into the existing sidewalk along both ends of the property.
- Proposed 2-ft Maintenance Buffer

3. **Storm Drain Analysis:** The revised storm drain analysis dated May 2, 2022, and submitted to MCDOT via email dated May 6, 2022, by Soltesz, Inc. was reviewed and is acceptable. No improvements are needed to the downstream public storm drain system for this plan. Please upload the approved storm drain study to eplans at the time of certified preliminary plan.
4. **Sight Distance:** The sight distance has been approved and is an attachment to this letter.
5. At the signing and marking plan, the plan shall show appropriate signage for restricting motorized vehicles (MUTCD Sign R5-3) along the 10-ft wide shared use path and along the 10-ft wide sidewalk. Please coordinate with our Division of Traffic Engineering and Operations at trafficops@montgomerycountymd.gov during the time of signing and marking plan for details.
6. **Proposed Road 'A' Road Grade Establishment:** The revised Road Grade Establishment plan was submitted via email by Soltesz, Inc. on April 18, 2022, and is approved for a design speed of 25 mph with the following comments:
 - Add the design speed to the plan. If the design speed is different from 25 mph, the applicant will have to resubmit the plan.
 - Please upload the approved road grade plans to eplans at the time of certified preliminary plan if there are no changes.
7. **Transportation Demand Management (TDM):**

The White Oak Apartments project is located in the White Oak Transportation Management District and the Orange Subdivision Staging Policy Area. The proposal is to develop more than 470,000 gsf of multi-family residential use. An owner or applicant for a development in a Orange Policy Area with over 160,000 gsf must submit a Level 3 Project-based TDM Results Plan. The Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS.

A Level 3 TDM Results Plan requires a commitment by the owner or applicant to achieve a base NADMS that is 5% higher than the White Oak TMD's goal and related commuting goals at that project. The plan must include project-based strategies and demonstrate that the plan is achieving the goals established for the project. The plan must include the following:

- a. Appointment of a Transportation Coordinator (a person to work with MCDOT and TMD representatives to achieve NADMS and other commuting goals).
- b. Notification of the Transportation Coordinator's contact information and related changes
- c. Access to the Project (owner must provide space on-site by prior arrangement with MCDOT or TMD representatives to allow the department to promote TDM).
- d. TDM Information (TDM-related information must be displayed in a location(s) visible to employees, residents and other project users).
- e. Selection of Strategies: The plan must include project-based strategies and demonstrate that the plan is achieving the goals established for the project.
- f. Additional or Substitution of Strategies: If strategies initially selected by the owner or applicant do not result in the project achieving goals by 6 years after final occupancy, revisions to the plan or strategies initially selected may be required.
- g. Additional Funding: If strategies selected by the owner or applicant do not result in achievement of the project goals by 6 years after final occupancy, the Department may require increased funding by the owner for existing or new TDM strategies. Additional increases in funding may be required if goals have still not been met within 8 years of final occupancy.
- h. Conduct independent monitoring to determine if the project is meeting its goals, until the goals are achieved.

The applicant should coordinate with Ms. Sandra Brecher, Chief of the Commuter Services Section. Ms. Brecher may be contacted at Sandra.Brecher@montgomerycountymd.gov or at 240-777-8380.

8. The development is subject to the [White Oak Local Area Transportation Improvement Program \(LATIP\) fee](#). We recommend that the applicant coordinate with Mr. Andrew Bossi of our Office of Transportation Policy at andrew.bossi@montgomerycountymd.gov or at 240-777-7170 regarding the White oak LATIP Fee and credits for this development.

Standard Plan Review Comments

1. Trees in the County ROW – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public ROW must be coordinated with MCDPS ROW Plan Review Section.
2. No steps, stoops or retaining walls for the development are allowed in County ROW. No door swings into county ROW.
3. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at yazdan.sanayi@montgomerycountymd.gov or at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
5. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
6. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
7. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The ROW permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutters, shared use path and handicap ramps (if needed), storm drainage and appurtenances, and street trees along proposed Road 'A'.
 - b. Sidewalk, handicap ramps (if needed), and storm drainage and appurtenances along Broadbirch Drive.
 - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County ROW and all drainage easements.
 - d. Permanent monuments and property line markers, as required by Section 50.4.3(G) of the Subdivision Regulations.
 - e. Erosion and sediment control measures as required by Chapter 19 and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the MCDPS.

Ms. Amy Lindsey
Sketch Plan No. 320220050
Preliminary Plan No. 120220060
June 1, 2022
Page 5

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at deepak.somarajan@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

Deepak Somarajan

Deepak Somarajan, Engineer III
Development Review Team
Office to Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 120220060-White Oak Apartments\Letter\ 120220060-White Oak Apartments-DOT Preliminary Plan Letter

Enclosures: Sight Distance

cc: SharePoint correspondence Folder FY-22

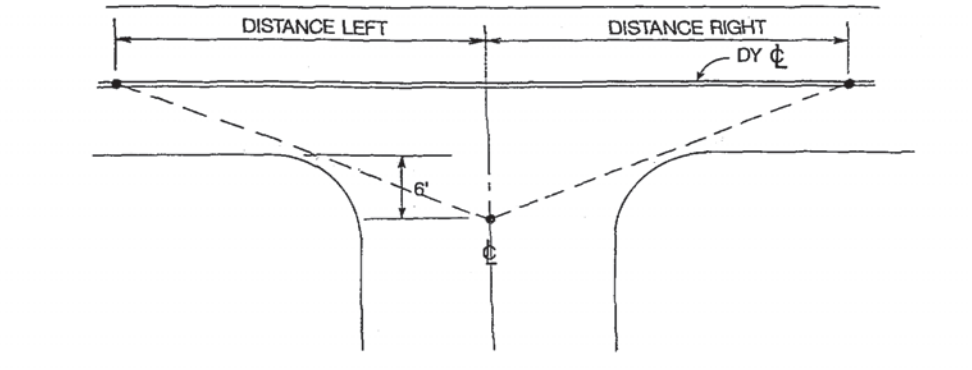
cc-e: Soo Lee-Cho	Bregman, Berbert, Schwartz & Gilday LLC.
Jane Przygocki	Soltesz, Inc.
Timothy Stemann	Soltesz, Inc.
Pete Fosselman	MC OCE
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Mark Etheridge	MCDPS WRS
Mark Terry	MCDOT DTEO
Dan Sanayi	MCDOT DTEO
Sandra Brecher	MCDOT CSS
Beth Dennard	MCDOT CSS
Corey Pitts	MCDOT DTE
Andrew Bossi	MCDOT OTP
Rebecca Torma	MCDOT OTP



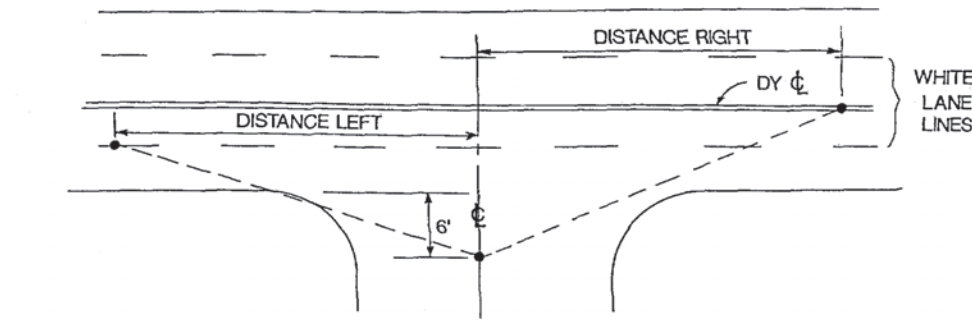
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT

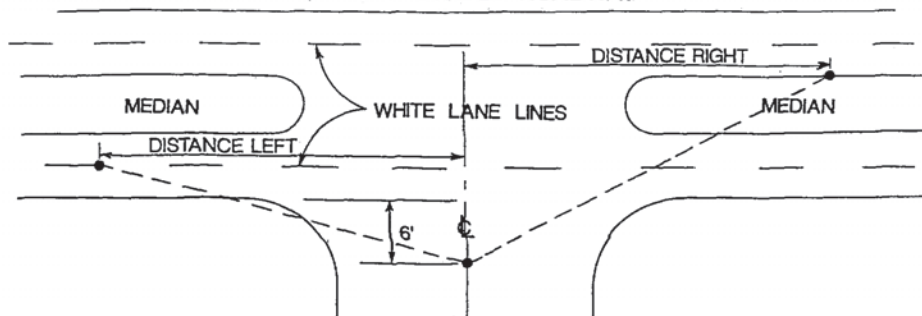
2 LANE UNDIVIDED ROADWAY

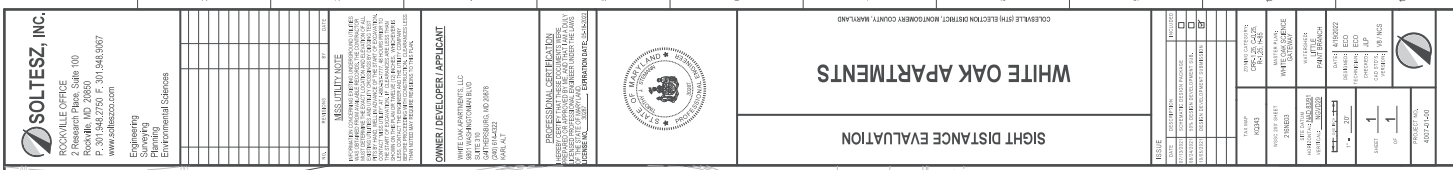


MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY





 SOLTESZ, INC. ROCHESTER OFFICE 2 Research Plaza, Suite 100 Rockville, MD 20850 P: 301.542.2750 F: 301.541.9367 www.soltesz.com Engineering Planning Environmental Sciences		MSA Utility logo <small>MSA Utility logo is a registered trademark of MSA Safety Incorporated. All rights reserved. MSA Safety Incorporated is not responsible for the use of this logo in any manner other than as a trademark of MSA Safety Incorporated. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited.</small>		 PROFESSIONAL CERTIFICATION <small>MSA Utility logo is a registered trademark of MSA Safety Incorporated. All rights reserved. MSA Safety Incorporated is not responsible for the use of this logo in any manner other than as a trademark of MSA Safety Incorporated. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited.</small>		 WHITE OAK APARTMENTS SIGHT DISTANCE EVALUATION		COLLEGE PARK ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND	
		OWNER/DEVELOPER/APPLICANT WHITE OAK APARTMENTS, LLC 301 N. WASHINGTON BLVD., SUITE 200 GAITHERSBURG, MD 20878 (301) 444-4432 410-412		PROFESSIONAL CERTIFICATION MSA UTILITY logo is a registered trademark of MSA Safety Incorporated. All rights reserved. MSA Safety Incorporated is not responsible for the use of this logo in any manner other than as a trademark of MSA Safety Incorporated. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited. The use of this logo in any manner other than as a trademark of MSA Safety Incorporated is strictly prohibited.		COLLEGE PARK ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND			

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MONTGOMERY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
APPROVED - 420211170
Amy Lindsey (amy.lindsey@montgomeryplanning.org)
04/14/21

Stand A

Stand A (0.35-acres) is a mixed-hardwood forest dominated by yellow-poplar (*Liriodendron tulipifera*) and red maple (*Acer rubrum*). This stand has an average DBH of 17 inches and an estimated 51 trees per acre (Exhibit 4). The understory layer is dominated by white oak (*Quercus alba*) and American holly (*Ilex opaca*). The herbaceous layer is comprised of a mix of native and non-native vegetation including common greenbrier (*Smilax rotundifolia*), white oak, multiflora rose (*Rosa multiflora*), Japanese honeysuckle (*Lonicera japonica*), and English Ivy (*Hedera helix*). This stand does not contain any signs of past management, disease, or insect damage. The Forest Structure Analysis Sheet indicates that this stand has a structure value of 13, which places it in the "Good" rating. Stand A generally contains significant environmental features (i.e., intermittent streams, stream buffers, and steep slopes) and, therefore, should be classified as Priority Area 1 for retention.

NR/FS PLAN NOTES

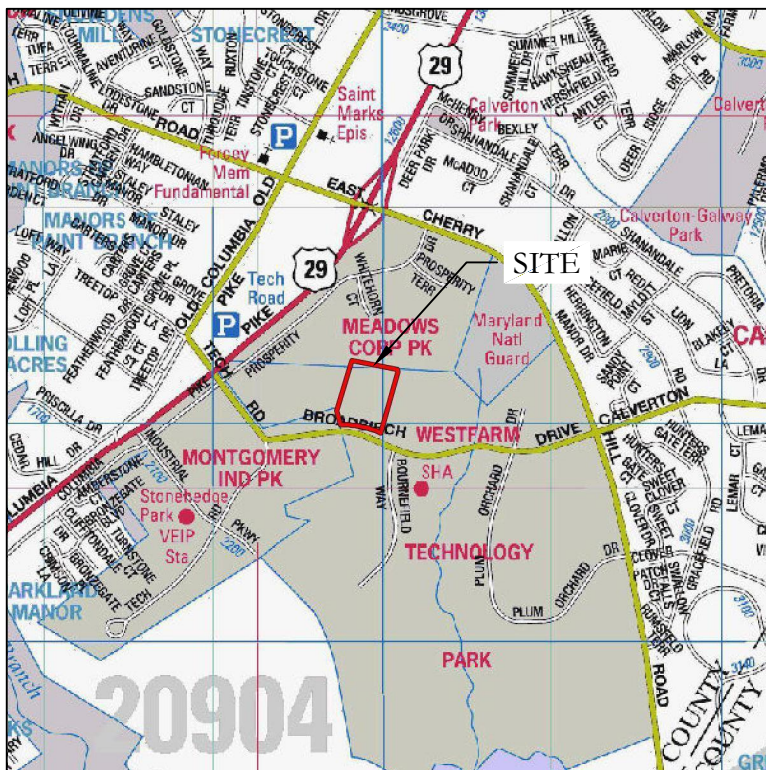
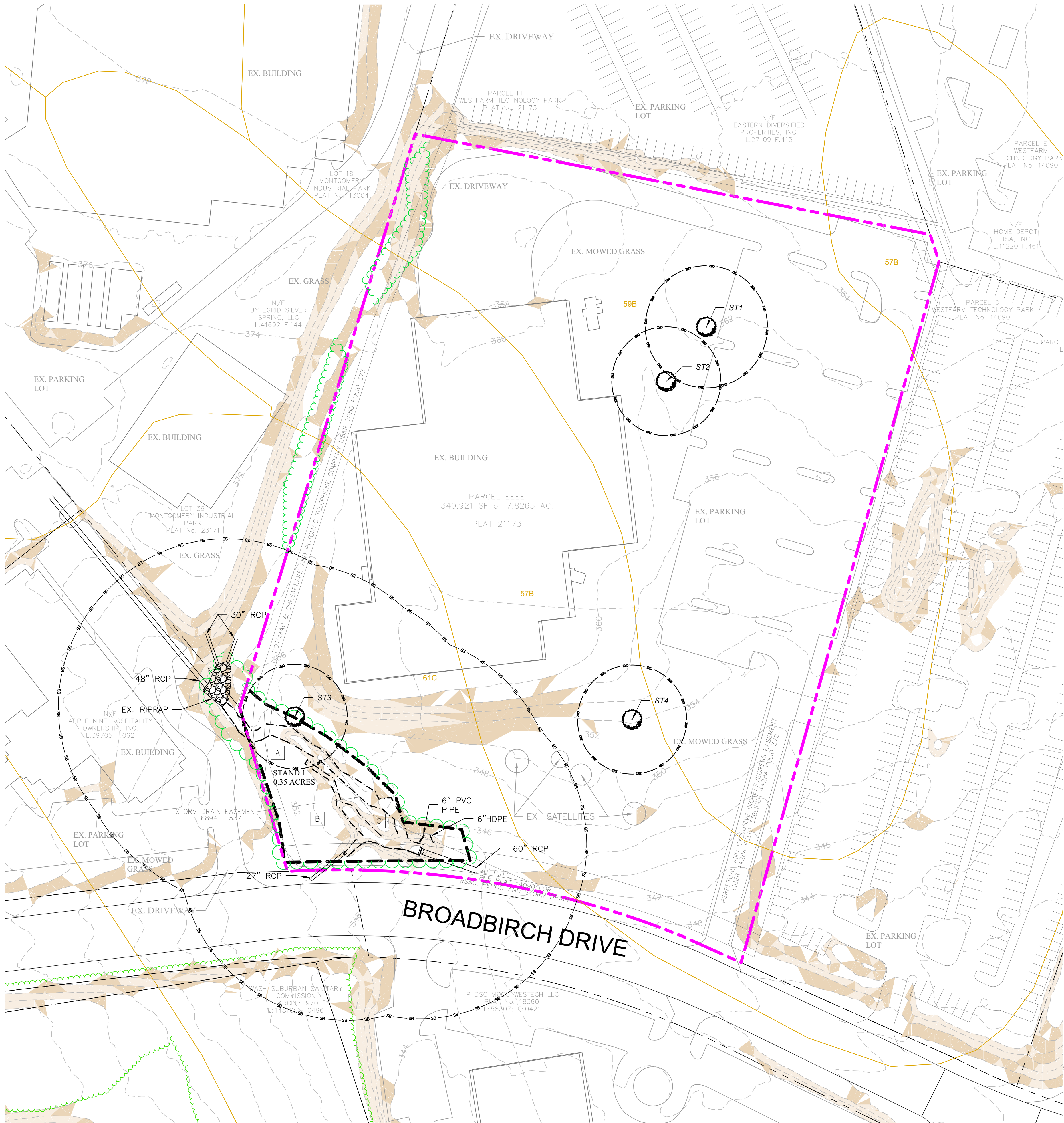
- 1) Total Tract Area: 7.61 acres
- 2) Current Zoning: CR-0.75, C-0.75, R-0.25, H-75
- 3) Watershed: Paint Branch
Use class: III
- 4) Special Protection Area: No
- 5) Special Protection or Primary Management Area: No
- 6) 100-year Floodplain source: FEMA Floodplain Number 24031C0390D, Effective: 09/29/2006
- 7) Non-tidal wetlands: No - Field Investigation on November 16, 2020
- 8) Intermittent Stream: No - Field Investigation on November 16, 2020
- 9) A formal request for an environmental review for rare, threatened, or endangered species on the property was submitted to the Maryland Department of Natural Resources (MDDNR) on November 25, 2020. A copy of the request letter dated November 25, 2020 is on the plan. In addition, no rare, threatened or endangered species were observed while performing the forest stand delineation field work.
- 10) This property is located on the Locational Atlas and Index of Historic Sites.
- 11) No specimen trees and four (4) significant trees were identified on or immediately adjacent to the property
- 12) No trees were identified onsite that are 75% of the State or County Champions.
- 13) The field work for this NR/FS Plan was completed by Courtney Egolf and Mariss Flemmer of Wetland Studies and Solutions, Inc. on November 16, 2020.
- 14) A forestry diameter tape was used to measure the diameter of the specimen trees located on the site. The diameter, condition and location of any trees 24-inches or greater located off of the property was estimated.
- 15) Property owner information:
AGILE REAL ESTATE LLC
7226 LEE DEFOREST DR # 104
COLUMBIA MD 21046

MAPPED SOIL TYPES				
Map Unit	Soil Description	Highly Erodible	Drainage Class	Hydric Rating
57B	Chillum silt loam, 3 to 8% slopes	No	Well Drained	No
59B	Beltsville silt loam, 3 to 8 percent slopes	No	Moderately Well Drained	Yes
61C	Croom gravelly loam, 8 to 15 percent slopes	No	Well Drained	No

SIGNIFICANT TREE TABLE					
No.	Common Name	Scientific Name	DBH (inches)	Condition Rating	Condition/Comments
1	Willow Oak	<i>Quercus phellos</i>	28	Good	Roots exposed.
2	Willow Oak	<i>Quercus phellos</i>	25	Good	Roots exposed.
3	Red Maple	<i>Acer rubrum</i>	24	Fair	Lean and small cavity at base of trunk.
4	Willow Oak	<i>Quercus phellos</i>	25	Good	Slight root exposure and girdled roots.

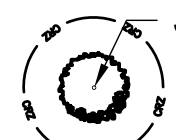
SIGNED: Brianna Beauchamp DATE: 3/25/21

BRIANNA BEAUCHAMP, QUALIFIED PROFESSIONAL
WETLAND STUDIES AND SOLUTIONS, INC.
1131 BENFIELD BOULEVARD, SUITE L
MILLERSVILLE, MD 21044
PH: (571) 289-0021 FAX: (410) 672-5993
E-MAIL: BBEAUCHAMP@WETLANDS.COM



VICINITY MAP
SCALE: 1"=2,000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NUMBER: 20711184

LEGEND



EXISTING SIGNIFICANT TREE AND CRITICAL ROOT ZONE (CRZ)



FSD DATA POINT



SOILS BOUNDARY



FOREST STAND BOUNDARY



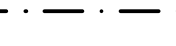
EXISTING TREE LINE



EXISTING FOREST LINE



SITE BOUNDARY



INTERMITTENT STREAM



STREAM BUFFER (150')



STAND A
0.35 ACRES



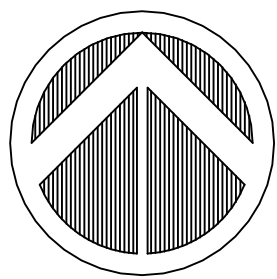
STEEP SLOPES (15%-25%)



STEEP SLOPES (>25%)

Resource Data Table

Existing Forest	0.35 acres
Non-Tidal Wetlands	0 acres
Forest within the Non-Tidal Wetlands	0 acres
Existing Floodplain	0 acres
Forest within the Floodplain	0 acres
Existing Stream Buffer	1.51 acres
Forest within the Stream Buffer	0.35 acres



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

NATURAL RESOURCE INVENTORY (NRI)/ FOREST STAND DELINEATION (FSD) PLAN

WSSC Grid Number: 216 NE 03
Tax Map Grid Number: KQ33

2240 Broadbirch Drive (420211170)
MONTGOMERY COUNTY, MD
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REVISIONS

No.	Date	Description	Rev.	By	App.
1	3/25/21	Issuance comments from Montgomery County Planning	BB	MJK	

Horizontal Datum: MD83F

Vertical Datum: NAVD 88

Boundary and Topo Source: SOLTESZ

Design	Draft	Approved
BB	BB	MJK

Sheet #

1 of 1

WSSI Project Number:
MD1951.01

Wetland
Studies and Solutions, Inc.
a DOWEY company
1131 Benfield Boulevard • Suite L
Millersville, Maryland 21088
Phone: 410-672-5990 • Fax: 410-672-5993
www.wetlands.com

Greater Colesville Citizens Association

PO Box 4087
Colesville, MD 20914
April 4, 2022

Development Review Committee
Attn: Amy Lindsey
2425 Reddie Drive
Wheaton, MD 20902

Re: Plan 120220060, White Oak Apartments

The Greater Colesville Citizens Association supports the preliminary and site plans for the White Oak Apartments project except for the staff proposal to include a public road on the west side of the property. That proposal is contrary to other prior county decisions and the road is not needed. Staff indicates it may be needed for pedestrian connectivity in some distant future date if the DARCARS and Home Depot properties are redeveloped. We don't envision those businesses vacating these properties. Even if they are redeveloped, we envision the entire existing lots will be needed for that redevelopment and if land is taken for a new road, that the redevelopment alternatives would be very limited because the size is so small. We also note that the desired path already exists via the Home Depot property (access exists today to both Broadbirch Dr. and Whitethorn CT.)

If the goal is to provide improved pedestrian movement, why not require a public sidewalk or path, rather than a road.

The White Oak Science Gateway Master Plan does not call for a road, bikeway, or pedestrian path in this location. That connection can only be found one place in the Master Plan - Figure 4. The title of the figure is "illustrative concept" and the legend has it as a "potential" road. None of those three terms makes it a master plan requirement, especially since it is not listed as a requirement in the Transportation Section.

Two years after the Master Plan was approved, DOT undertook in 2016 a comprehensive study of transportation needs in the area. The Planning staff provided modeling support for that study. The improvements identified by the study effectively supersede the Master Plan. The road in question was not identified in that study. The council approved transportation improvements in what is called the Local Area Transportation Implement Program (LATIP). By the rules established by the Council, only transportation improvements listed in the LATIP can be built using developer funds.

The LATR process does not exist in this area, yet Staff is trying to get this road built as part of LATR

The default LATIP approach is that each developer would pay their fair share of the transportation cost as a fee to the county and the county will build the project. The alternative to paying the fee is for the developer to construct one or more LATIP identified projects and receive a credit against the LATIP fee and in some cases the Transportation Impact Tax. (At this time neither transportation nor school impact taxes apply in this area). Thus, if the developer were to construct the proposed public road, he can't receive a credit. The developer has stated that building such a road would add cost and he would need a credit.

In conclusion, drop the proposal for a public road on the west side of the White Oak Apartments development. Also, we request this memo be included in the staff report to the Planning Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel Wilhelm".

Daniel L. Wilhelm
GCCA President.