

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-073  
Preliminary Plan No. 120220140  
Federal Plaza West  
Date of Hearing: July 13, 2023

AUG 24 2023

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 18, 2022, Federal Realty (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 6.06 acres of land in the CRT-2.25, C-0.75, R-1.5, H-75 zone, located at 1776 East Jefferson Street, 200 feet south of Rollins Avenue and identified as Lot 2, “Memco’s Addition to Montrose” Subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 10407 (“Subject Property”) in the *2018 White Flint 2 Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120220140, Federal Plaza West (“Preliminary 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 June 30, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 13, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice-Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120220140 to create 1 lot on the Subject Property, subject to the following conditions:<sup>1</sup>

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<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

1. This Preliminary Plan is limited to one (1) lot for 474,051 square feet of multi-family dwelling units (up to 500 units) with 15% MPDUs and 108,965 square feet of retail/service and restaurant<sup>2</sup> uses and one (1) private road parcel.

#### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for seven (7) 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 before 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 May 24, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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 December 13, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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 February 13, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend

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<sup>2</sup> The restaurant space can be changed to other commercial uses if there is no adverse impact on the Preliminary Plan and APF findings and it is approved by Staff.

if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Future Site Plan Approval Required

8. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. The number and location of site elements, including but not limited to buildings, dwelling units, open space design, on-site parking, site circulation, sidewalks, and bikepaths will be determined through site plan review and approval.
9. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot 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 or site plan amendment.

#### Environment and Noise

10. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120220140 (PFCP), subject to the following conditions:
  - a. The Applicant must submit a Final Forest Conservation Plan (FFCP) with any subsequent Site Plans.
  - b. The FFCP must include detailed and specific tree protection measures for off-site trees impacted by the Limits of Disturbance (LOD).
  - c. The LOD shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

#### Transportation

##### Existing Frontage Improvements

11. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of the East Jefferson Street Road Diet.

##### Off-Site Improvements/LATR

12. Before the release of any above ground building permit, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements:
  - a. East Jefferson Street interim Road Diet from north of Rollins Avenue in Rockville to California Circle. This includes reducing the number of lanes to two and full pedestrian and bicycle improvements to the middle access driveway as well as interim improvements from the middle access driveway to a location coordinated with MCDOT.



- ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
  - iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- c. Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

#### Record Plats

16. There shall be no clearing or grading of the site before recordation of plat(s).

#### Easements

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

#### Other Dedications

##### Schools

19. Prior to issuance of each building permit for a residential dwelling unit, the Applicant must 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, as follows:

- a) no elementary school UPP required;
- b) no middle school UPP required; and
- c) no high school UPP required

**Developments with MPDUs**

20. The final number of MPDUs will be determined at the time of site plan approval. At site plan, demonstrate that MPDUs will be distributed throughout the development and comply with the requirements of Chapter 25A. If units will be for sale, please contact the Montgomery County Department of Community Affairs (MCDHCA) to ensure affordability for MPDU purchasers.

**Certified Preliminary Plan**

21. The Certified Preliminary Plan must contain the following notes:

*“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.”*

22. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Access Plans in the certified set.
- a) Show the Private Road “Street S” in a private road parcel up to the intersection with the private alley.
- b) Show Phase 3 for the completion of Private Road “Street S” from the alley to the property line.
- c) Incorporate the modifications requested by the City of Rockville on the East Jefferson Road Diet concept plan.
- d) Remove the word “Woonerf” to describe the middle access driveway and replace with “Shared Driveway”.
- e) The LOD on the Preliminary Forest Conservation Plan must show all off-site disturbance, regardless of location.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 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 59.4.5.2 of Zoning Ordinance. The layout of the subdivision, including size, width, shape, and orientation of the lot and private road parcel, is appropriate for the location within the subdivision and meets all applicable requirements of the CRT Zone.

**Data Table CRT-2.25, C-0.75, R-1.5, H-75**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total Development</b>
<b>Tract Area</b>	n/a	283,914 square feet (6.52 acres)		
<b>Prior Dedication</b>	n/a	19,840 square feet (0.46 acres)		
<b>Dedication with this Application</b>	n/a	n/a		
<b>Site Area</b>	n/a	264,074 square feet (6.06 acres)		
<b>Mapped Density CRT-2.25, C-0.75, R-1.5, H-75</b>	425,871 square feet (1.5 FAR)	310,000 square feet (1.09 FAR)	115,871 square feet (0.41 FAR)	425,871 square feet (1.5 FAR)
<b>Residential (GFA/FAR)</b>				
<b>Commercial (GFA/FAR)</b>	212,936 square feet (0.75 FAR)	103,965 square feet (0.37 FAR)	5,000 square feet (0.01 FAR)	108,965 square feet (0.38 FAR)
<b>Total Mapped Density (GFA/FAR)</b>	732,499 square feet (2.25 FAR)	413,965 square feet (1.46 FAR)	120,871 square feet (0.42 FAR)	534,836 square feet (1.88 FAR)
<b>MPDU requirement</b>	12.5%	15.0%	15%	15.0%
<b>MPDU Bonus Density (GFA/FAR)</b>	93,692 square feet (0.33 FAR) <sup>3</sup>	0 square feet	48,180 square feet (0.17 FAR)	48,180 square feet (0.17 FAR)

<sup>3</sup> 22% Bonus density for providing 15% MPDUs

<b>Total GFA/FAR</b>	826,191 square feet (2.91 FAR)	413,965 square feet (1.46 FAR)	169,051	583,016 square feet (1.88 FAR)
<b>Building Height, max average</b>	75 feet	87 <sup>4</sup> feet	87 <sup>3</sup> feet	87 <sup>3</sup> feet
<b>Public Open Space (min s.f.)</b>	26,407 square feet	20,873 square feet	5,859 square feet	26,732 square feet

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

The Subject Property is located in the 2018 White Flint 2 Sector Plan (Sector Plan) and is located in the Rockville Pike – Montrose North district.

The Sector Plan sets forth the following key recommendations for the Planning Area that are applicable to this Application:

- Provide new streets that permit alternative ways to navigate the Plan area and provide links to adjacent communities. (page 20)
- Promote walkability with new streets and enhanced streetscapes to define the public realm. (page 20)
- Promote new pedestrian paths and bikeways between existing residential communities and new mixed-use development. (page 21)
- New development would be focused around these transit nodes “to establish balance between auto and transit access by designing for non-auto movement within walking distance to transit stops” and to transform an “auto-dominated market place that lacked legibility at the pedestrian level”. (page 24)
- Designate public streets on larger properties to improve local connectivity through the area and create mobility alternatives to Rockville Pike. (page 26)
- Improve the public realm along existing connections with wider sidewalks, amenities for pedestrians and landscaped areas to enhance pedestrian access between districts. (page 26)
- Requires “15 percent MPDUs as the highest priority public benefit for all new residential development, unless the property is required to dedicate land for a school site or athletic fields that can be used by MCPS and approximate the size of a local park” (page 59)

The Project will encourage transit usage due to its location within ½ mile of the Twinbrook Metro Station. Pedestrian and bicycle improvements increase safety and promote walkability and non-automobile transportation use. Private Road “Street S” begins the process of breaking up the large block of development and will help promote walkability.

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<sup>4</sup> As a project exceeding 12.5% MPDUs, additional building height is permitted to accommodate the MPDU development.



The Sector Plan provides the following guidance for the Property:

- Additional pedestrian connections are recommended between Miramont Villas Condominium and Miramont Apartments, and Federal Plaza. (page 40)
- Create a pattern of short blocks and internal streets to promote walkability. (page 40)
- Provide two ½-acre neighborhood greens integrated with new development and connected to surrounding pedestrian networks (Map 30). (page 40)
- Create livable communities by providing walkways to open spaces with amenities for all ages. (page 88)
- Create a minimum of two neighborhood green urban parks at the Federal Plaza. One with a minimum half-acre should be located on the six-acre portion of the property, and another on the eastern portion. (page 88)

The development creates a pattern of short blocks and internal streets and uses the buildings to frame the open space. The development includes an 0.3-acre public open space that will function as a neighborhood green urban park on the East Jefferson Street frontage. This open space will be accessible to the surrounding community and will be activated by ground floor units with direct access to the space. The space will be expanded through the pedestrian spaces surrounding the shared driveway. The size and design of this space will be further refined through the Site Plan process. The development maintains the pedestrian connection between the Miramont Villas Condominiums and Federal Plaza West. Further opportunities to connect the properties will be explored when Federal Plaza East redevelops and Private Road "Street S" is extended through to Rockville Pike.

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

***a) 50-4.3.J.5 - APF Extension request for Phase 2***

The Application received a phased approval, per Section 50-4.3.J.5 of the County Code to extend the validity period of the APF approval for Phase 2 to 7 years. Per Section 50-4.3.J.5.b, "*if an applicant requests a longer validity period than the minimum specified in 5.a, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval.*"

- i. *At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, whichever is the applicable minimum, after the preliminary plan is approved.*

The Application will construct 71 percent of the total development as Phase 1 (130,000 sq. ft.) within the first five years. This includes partial

frontage improvements along East Jefferson Street and the major public open space shown on the Preliminary Plan. The APF extension request is for Phase 2 and will allow the building permits to be filed for Phase 2 (which is 29 percent of the total FAR) within 7 years of the Preliminary Plan approval.

- ii. ***To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.***

The Planning Board approves an additional two years in order to accommodate the development of Phase 2, which is that portion of the Property currently subject to the Panera lease. It is the Applicant's intent to seek Site Plan approval for Phase 1 following the approval of the Sketch and Preliminary Plan and then record the Record Plat for the Property. Subsequently, the Applicant will seek a Site Plan for Phase 2.

The Planning Board finds that the seven-year validity period is not adverse to the public interest. Importantly, the most significant public benefit provided by the Project – the development of the neighborhood green urban park – will occur in connection with Phase 1. The extended APF validity period will allow for the expiration of the Panera lease and provide the Applicant with sufficient time to commence the development of Phase 2.

***b) Roads and other Transportation Facilities***

***iii. Existing Facilities***

East Jefferson Street is a Downtown Street with a master planned width of 80 feet. It currently has two travel lanes in each direction. A center turn-lane is also present beginning approximately 430 feet south of the East Jefferson Street and Rollins Avenue intersection that is present until just north of the East Jefferson Street and Montrose Road intersection to the south. Sidewalks are present on both sides of the roadway. However, the east side of the roadway does not have a street buffer between the roadway and the sidewalk and the street buffer on the west side is inconsistent and not present in some areas. There is a signalized pedestrian crossing just south of the Site on East Jefferson

Street. There is also an existing pedestrian access that connects from California Circle into the site.

The Site itself is primarily a surface parking lot that serves the existing shopping center retail and restaurant. There are four vehicular access points from East Jefferson Street that connect to drive aisles. Two of these drive aisles, the northernmost and southernmost, provide a direct connection to the property to the east.

The Site is well served by transit. There is one bus stop on the Site frontage that is served by two Montgomery County Ride On routes.

- Route 5 runs between the Twinbrook Metro Station and the Silver Spring Metro Station. The route operates Monday-Sunday. Service is provided every 30 minutes during the AM weekday peak period and every 15 minutes during the PM weekday peak period.
- Route 26 runs between the Glenmont Metro Station and the Montgomery Mall Transit Center. The route operates Monday-Sunday. Service is provided every 20 minutes during the AM and PM weekday peak periods.

iv. ***Public transportation***

The project will be developed in two phases. In Phase 1, as conditioned, a road diet package will be implemented on East Jefferson Street from just north of the intersection of Rollins Avenue and East Jefferson Street down to the middle access driveway. The road diet includes reducing the number of lanes down to one lane in each direction with a center turn-lane south of the middle access driveway. A 10-foot-wide bikeway will be separated from the roadway with an 8-foot-wide landscape buffer. A 3-foot-wide green panel will separate the bikeway from an 8-foot-wide sidewalk. An interim road diet will be implemented south of the middle driveway access down to California Circle, located south of the Site.

The road diet and associated bicycle and pedestrian infrastructure is consistent with the 2018 *White Flint 2 Sector Plan* and the 2018 *Bicycle Master Plan*.

In Phase 2, the full build out of the road diet will be implemented to the existing pedestrian crossing just north of the Montrose Road and East Jefferson Street intersection. In addition, as stated in the MCDOT letter dated May 24, 2023, the southern driveway access will be signalized, and the existing signalized pedestrian crossing located just to the south of the Site will be removed. It should be noted that the signal is needed to

manage safely, adequately, and efficiently turning movements generated by the Site and not needed to address capacity.

The existing bus stop on the Site frontage will be upgraded from a flag stop with a bench to a shelter bus stop in Phase 2.

v. ***Private transportation infrastructure***

In Phase 1 of the development, Drive Aisle N will be constructed on the north end of the Site. The drive aisle includes two 10.5-wide-travel lanes and an 8-foot-wide on street parking area on the south side of the street. A 5-foot-wide sidewalk is buffered from the roadway with a 6-foot-wide landscape buffer.

An alley will also be constructed that provides north/south circulation and provides access to the MF1 Building loading bay as well as the parking garage.

Two of the existing access driveways remain in Phase 1.

In Phase 2, the middle access driveway will be removed, and a new middle access shared driveway will be constructed. It will be designed as a shared driveway that provides access to the parking garage. It includes two 10-foot-wide travel lanes with 8-foot wide parking lanes on each side of the driveway. The driveway is designed to be curbless on both sides, with a 13-foot-wide streetscape on the north side and an 18-foot-wide streetscape on the south side.

In Phase 2, the southern access driveway will also be reconstructed as a private street, Private Road "Street S". This roadway includes two 10.5-foot-wide travel lanes with 8-foot-wide on-street parking on the north side of the street. A 7-foot-wide landscape buffer separates a 5-foot sidewalk on the north side of the roadway.

In Phase 3, Private Road "Street S" will be extended to the eastern property line, to match redevelopment on Federal Plaza East, whenever that occurs. No further development is included in Phase 3.

vi. ***Transportation Demand Management***

As a project proposing a total square footage that is larger than 160,000 gross square feet within the North Bethesda Transportation Management District (TMD), an Orange Policy Area as designated by the 2021 Growth and Infrastructure Policy, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT. The applicant will also be required to participate in the North Bethesda Transportation Management District

(TMD). The *White Flint Sector Plan* identifies a 40% non-auto-driver mode share (NADMS).

**c) Local Area Transportation Review (LATR)**

As a development with 500 multi-family units and 101,174 square feet of retail<sup>5</sup>, the Project is estimated to generate 534 total peak hour person trips in the morning and 1,076 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the existing 117,708 square feet of retail on the Site, (355 morning peak hour person trips and 907 evening peak hour person trips), the Project is estimated to generate 179 net new morning peak hour person trips and 169 net new evening peak hour person trips. As a result of the estimated transportation impact, the Project must submit a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

**Federal Plaza West Estimated Person Trip Generation**

Land Use	Morning Peak Hour	Evening Peak Hour
Existing (credit)		
Shopping Center & Restaurant	355	907
Approved		
Shopping Center	277	754
Residential	257	322
<i>Total Approved</i>	<i>534</i>	<i>1,076</i>
Net New Person Trips	179	169

Source: Transportation Impact study by Gorove Slade, dated 1/9/2023 amended by staff.

**d) Travel Mode Adequacy Test**

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The mode split of the total person trips for the Project are summarized by travel mode in the table below. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate four (4) travel model adequacy tests.

<sup>5</sup> Trip generation is based on Gross Leasable Area (GLA).

**Federal Plaza West Trip Estimate by Mode**

	<b>Total Person-Trips</b>	<b>Auto-Driver</b>	<b>Transit</b>	<b>Pedestrian<sup>6</sup></b>	<b>Bicycle</b>
<b>Morning Peak Hour</b>	534	281	38	107	69
<b>Evening Peak Hour</b>	1076	562	72	217	145

Source: Transportation Impact study by Gorove Slade, dated 1/9/2023 amended by staff

- Motor vehicle system adequacy was evaluated for the intersections of Montrose Road and East Jefferson Street, the four site access driveways and East Jefferson Street, Rollins Avenue and East Jefferson Street, and Rockville Pike and Federal Plaza/Pike Center. Intersections exceeding the policy area congestion standard must be mitigated.
- Transit system adequacy was evaluated by inventorying two bus stops located within 1,000 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.
- Pedestrian system adequacy was evaluated within 750 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 400 feet of the Property.
- Bicycle system adequacy was evaluated by analyzing bikeways within 750 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the 2018 *Bicycle Master Plan*.

Under Section 8 of *2022 Local Area Transportation Review Guidelines (LATR Proportionality Guide)*, the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 500 residential units and the 4,600<sup>7</sup> square feet of new retail will not exceed \$2,375,675 (see calculation below).

*LATR Proportionality Guide = (Extent of Development) (LATR Proportionality Guide Rate) (LATR Proportionality Guide Adjustment Factor)*

<sup>6</sup> Pedestrian trips are calculated by adding non-motorized and transit trips.

<sup>7</sup> Note that 4,600 is the new amount of retail gross leasable area approved. All other retail square footage is existing square footage that will be retained at full build out.

$\$2,375,675 = (500 \text{ units}) (\$9,168) (51\%) + (4,600 \text{ square feet}) (16.45) (50\%)$

For the Application, the cost of construction and/or mitigation payments for a mitigation project will not exceed \$2,375,675. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to staff for review. In compliance with the 2022 LATR Guidelines, the final list of prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary Plan. The table identifies those projects which could be feasibly constructed. The final list of projects is included in the table below

It should be noted that the Road Diet on East Jefferson Street includes improvements both to north and south outside of the LATR required mitigation study areas. These mitigation projects have been calculated at a value of \$305,519.20. The Applicant requested that this additional value be considered and is not addressing \$279,561.00 worth of mitigation, which would normally be required per the LATR. This includes mitigation for ADA curb ramps and sidewalks as well as streetlight deficiencies south of the Site frontage.

The Planning Board determined that the road diet is a higher priority than the streetlighting south of the Site frontage, valued at \$101,500.00. However, the Board concluded that some of the identified ADA curb mitigations, valued at \$14,000.00, are also a priority and could be feasibly constructed. The surrounding neighborhood has a high percentage of residents who are 60 years or older, who would benefit from having the transportation infrastructure meet current ADA standards. According to data from the American Community Survey (ACS) 5-year estimates, approximately 34% of the population in the census tract where the project is located is 60 years or older. Additionally, there are several retirement communities along East Jefferson Street, including the Ring House Retirement Community which is located on East Jefferson Street where several deficiencies were identified.

Further, as stated in the *2022 LATR Guidelines* on page 55, the Applicant estimates costs for mitigation projects in order of priority and will continue to do so until the total cost of the projects reaches the LATR Proportionality Guide or there are no additional projects on the list that will sum to a cost that is less than or equal to the LATR Proportionality Guide. In including these projects, the application is still well below the proportionality guide maximum.

**Federal Plaza West LATR Mitigation Project List**

<b>Map ID</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Construct/ Mitigation Payment</b>	<b>Project Cost</b>
1	East Jefferson Street (Rockville) <sup>1</sup>	Road Diet Section A (Rollins Intersection and North into Rockville)	Construct	\$112,879.20
2	East Jefferson Street (Rockville)	Road Diet Section B (South of Rollins intersection to Site Frontage)	Construct	\$175,655.20
3	East Jefferson Street (Montgomery County)	Road Diet Section D (South of Site Frontage) & Raised Accessible (Zicla) Bus Platform	Construct	\$343,793.80
4	East Jefferson Street (Montgomery County) <sup>1</sup>	Road Diet Section E (South of LATR required Study Area)	Construct	\$157,640.00
5	East Jefferson Street (Montgomery County) <sup>1</sup>	Intersection Modifications	Construct	\$35,000.00
6	East Jefferson Street (Montgomery County)	ADA Curb Ramp & Modifications Improvements	Construct	\$14,000.00
<b>Construction Subtotal</b>				<b>\$838,968.20</b>
<b>Mitigation Payment Subtotal</b>				<b>\$0.00</b>
<b>Adjusted Mitigation Payment Subtotal</b>				<b>\$838,968.20</b>
<b>Total</b>				<b>\$838,968.20</b>
<b>Proportionality Guide</b>				<b>\$2,375,675.00</b>

<sup>1</sup> Location of this mitigation is beyond the required LATR study area

As conditioned, all off-site mitigation projects must be bonded for construction and all mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery Planning, MCDOT, and MDOT SHA staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.



**e) Schools**

**i. Overview and Applicable School Test**

Preliminary Plan #120220140 for Federal Plaza West, located at 1776 East Jefferson Street, Rockville, Maryland is subject to the FY23 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023. This plan approves a total of 500 multi-family high rise units.

**ii. School Adequacy Test**

The project is served by Farmland ES, Tilden MS and Walter Johnson HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

**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
Farmland ES	737	771	104.6%	-34	No UPP	51	114	224
Tilden MS	1,244	1139	91.6%	+105	No UPP	231	354	549
Walter Johnson HS <sup>8</sup>	2,291	2,240	97.8%	+51	No UPP	231	510	853

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, Farmland ES, Tilden MS and Walter Johnson HS do not require any UPP as identified above. If the project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required.

**iii. Calculation of Student Enrollment Impacts**

To calculate the number of students generated by the project, 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.

<sup>8</sup> Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Downcounty Consortium, Walter Johnson HS and Woodward HS in 2026.

With a net of 500 units that are not age-restricted, the project is estimated to generate the following number of students based on the subject property's location within a Turnover Impact Area:

**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	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	500	0.073	36.500	0.042	21.000	0.053	26.500
<b>TOTALS</b>	<b>500</b>		<b>36</b>		<b>21</b>		<b>26</b>

As shown above, on average, this project is estimated to generate 25 elementary school students, 12 middle school students, and 15 high school students.

**iv. Partial UPP Tier Payment Ratio**

An adequacy ceiling indicates the number of seats remaining in a certain UPP tier before the next level of payment is triggered. The number of elementary school students this project is estimated to generate exceeds the Tier 1 adequacy ceiling identified for Farmland ES in Table 6. Therefore, a partial Tier 1 UPP payment will be required, proportionate to 18 of the 25 elementary school students it is estimated to generate, as shown below.

**Student Allocation and Utilization Premium Payments**

School	UPP Payment Ratios		
	Tier 1	Tier 2	Tier 3
Farmland	0.000	0.000	0.000
Tilden	0.000	0.000	0.000
Walter Johnson	0.000	0.000	0.000

**v. Analysis Conclusion and Condition of Approval**

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with the County Code and Growth and Infrastructure Policy, as follows:

- a. no elementary school UPP per unit;
- b. no middle school UPP required; and
- c. no high school UPP required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

***f) Other Public Facilities and Services***

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

**A. Forest Conservation**

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

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL"). As required by Chapter 22A, a Preliminary Forest Conservation Plan ("PFCP") was submitted with this Preliminary Plan application. The total net tract area for forest conservation purposes is 6.58 acres. The Property is zoned CRT-2.25 C-0.75 R-1.5 H-75 and is classified as Mixed-Use Development ("MDP") as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Site does not contain any forest. However, there is a 0.99-acre afforestation requirement as calculated in the Forest Conservation Worksheet, as determined by the property size and a 15 % afforestation threshold. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

No mitigation is required for Protected Trees impacted but retained.

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

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on December 13, 2022, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through bioretention areas.

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.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 3 years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that before the expiration 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 must be filed and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 24 2023 (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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, July 27, 2023, in Wheaton, Maryland and via video conference.



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Federal Plaza West  
A. Sketch Plan No. 320220100  
B. Preliminary Plan No. 120220140