

Montgomery Planning  
**2115 EAST JEFFERSON STREET**  
**PRELIMINARY PLAN NO. 120230100**  
**SITE PLAN NO. 820230080**  
**FOREST CONSERVATION PLAN NO. F20230220**



**Description**

The Project replaces an existing vacant office building with 86 townhouses. The Project will provide 245,000 square feet of residential use with a minimum of 15 percent MPDUs, totaling 13 units. The Project establishes 86 townhouse lots, the creation of three private streets and three open space parcels.

Nos. 120230100, 820230080 &  
F20230220  
Completed: 10-2-2023

MCPB  
Item No.  
10-12-2023

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

## Planning Staff



Troy Leftwich, Planner III, Midcounty Planning, [Troy.Leftwich@montgomeryplanning.org](mailto:Troy.Leftwich@montgomeryplanning.org), (301) 495-4553

Amy Lindsey, Planner III, Midcounty Planning, [Amy.Lindsey@montgomeryplanning.org](mailto:Amy.Lindsey@montgomeryplanning.org), (301) 495-2189

Matthew Folden, Supervisor, Midcounty Planning, [Matthew.Folden@montgomeryplanning.org](mailto:Matthew.Folden@montgomeryplanning.org), (301) 495-4539

Carrie Sanders, Chief, Midcounty Planning, [Carrie.Sanders@montgomeryplanning.org](mailto:Carrie.Sanders@montgomeryplanning.org), (301) 495-4653

### LOCATION/ADDRESS

On East Jefferson Street 340 feet South of Josiah Henson Parkway

### MASTER PLAN

2018 *White Flint 2 Sector Plan*

### PROPERTY SIZE

5.49 Acres

### APPLICANT

Missing Middle Jefferson LLC

### ACCEPTANCE DATE

May 31, 2022

### REVIEW BASIS

Chapter 22A – Forest Conservation

Chapter 50 – Subdivision

Chapter 59 – Zoning



### Summary:

- Staff recommends approval of 2115 East Jefferson Street, Preliminary Plan No. 120230100, Site Plan No. 820230080, and Forest Conservation Plan No. F20230220 with conditions.
- The Project is replacing a vacant office building with 86 townhouses.
- Applicant will be providing public benefit points for the following categories: Major Public Facilities, Transit Proximity, Diversity of Uses and Protection and Enhancement of the Natural Environment
- The applications will provide a minimum of 15% Moderately Priced Dwelling Units (MPDUs).
- Staff has not received any community correspondence regarding the Subject Applications.

## TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS .....	3
PRELIMINARY PLAN 120230100.....	3
SITE PLAN 820230080 .....	7
FOREST CONSERVATION PLAN F20230220.....	12
SECTION 2: SITE DESCRIPTION.....	14
VICINITY.....	14
PROPERTY DESCRIPTION.....	15
SECTION 3: PROJECT DESCRIPTION .....	16
PREVIOUS APPROVALS.....	16
PROPOSAL.....	16
SECTION 4: PRELIMINARY PLAN 120230100 FINDINGS AND ANALYSIS.....	27
SECTION 5: SITE PLAN 820230080 FINDINGS AND ANALYSIS.....	35
SECTION 6: FOREST CONSERVATION PLAN F20230220 FINDINGS AND ANALYSIS.....	40
SECTION 7: COMMUNITY OUTREACH .....	44
SECTION 8: CONCLUSION .....	44
ATTACHMENTS .....	44

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN 120230100

Staff recommends approval with conditions of the Preliminary Plan to subdivide one lot into 86 townhouse lots and associated open space and private street parcels. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120230100 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

This Preliminary Plan is limited to 245,000 square feet of residential uses, with 86 lots for townhouse units, plus HOA parcels, conservation easements, and Private Road parcels.

#### ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

1. 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

2. 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

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 6, 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.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. 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 September 5, 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

6. 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 September 5, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated September 11, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## OTHER APPROVALS

8. 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 associated with this Preliminary Plan. The number and location of site elements including but not limited to the townhouse, on-street parking, site circulation, open space design, sidewalks, and bike paths is determined through site plan review and approval.

## TRANSPORTATION

### Existing Frontage Improvements

9. The Applicant must construct an eight-foot-wide sidewalk and a seven-foot-wide street buffer along the property frontage on East Jefferson Street.

### Private Roads

10. The Applicant must provide Private Road(s) Private Street A, Private Street B, and Private Street C, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
  - a) If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
    - i) The Applicant, at its expense, shall design, construct and maintain the Private Roads.

- 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 Roads and all improvements located within the Private Roads, in good condition and repair for safe use and operation of the Private Roads. 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 Roads). 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 Roads are not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Roads.
- 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 Roads have 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

11. There shall be no clearing or grading of the site before recordation of plat(s), except for the disturbance associated with the demolition of the existing building.

## Easements

12. The record plat must show necessary easements.
13. Provide a public access easement on the subject property to the north and to the south of Private Street C for future block connections.
14. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

## Notes and Labels

15. The record plat must reflect all areas under common ownership.
16. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).

## CERTIFIED PRELIMINARY PLAN

17. 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.*

18. 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) Identify the location of the bus shelter and bench.
- c) Correct the cross-section widths on the Cover Sheet to reflect the plan widths. This includes:

Private Street A Section Without Parking at Rear Load Townhouse – 5-foot-wide sidewalks, 6.5-foot-wide tree panels, 10.5-foot-wide travel lanes

Private Street A Section With Parking at Front Load Townhouse - 5-foot-wide front yard, 5-foot-wide sidewalks, 10.5-foot-wide travel lanes, 14-foot to 16-foot-wide driveway

Private Street B Section With Parking at Rear Load Townhouses – 6-foot-wide front yard, 5-foot-wide sidewalks, 10.5-foot-wide travel lanes, 5-foot-wide front yard

Change the title of Private Street B Section without Parking at Front Load Townhouses to Private Street B Section With Parking at Front Load Townhouses and modify the figure to have – 5-foot-wide sidewalks, 8-foot-wide on-street parking, 10.5-foot-wide travel lanes

Private Street C – 14-foot to 16-foot-wide driveway, 5-foot-wide sidewalks on both sides of the roadway, 6.5-foot-wide tree panel, 10.5-foot-wide travel lanes

- d) Label curb radii on the plan view sheets.

## SITE PLAN 820230080

Staff recommends approval of Site Plan No. 820230080, for the construction of up to 86 new townhouses (including a minimum of 15% MPDUs). The development must comply with the conditions of approval for Sketch Plan No. 320220110, MCPB Resolution No. 23-002 approved January 5, 2023 and Preliminary Plan No. 120230100. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>1</sup>

### DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 245,000 square feet of total residential uses, for up to 86 townhouse dwelling units.

2. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

### OPEN SPACE, FACILITIES AND AMENITIES

3. Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 45,000 square feet of common open space (19% of net lot area) on-site.
- b) Before the issuance of the 43<sup>rd</sup> townhouse final inspection for the residential development, all common space areas on the Subject Property must be completed.
- c) The natural surface trail must be open to public use before issuance of the final building permit associated with the 86<sup>th</sup> townhouse.

4. 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 – achieved through providing a natural surface trail onsite to connect Luxmanor Elementary School, Green Acres Schools and Luxmanor Local Park.
- b) Transit Proximity – achieved through the Property’s being located between ½ and 1-mile from the White Flint Metrorail (level 1).
- c) Diversity of Uses and Activities:

---

<sup>1</sup> For the purposes 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.



- i. Affordable Housing/MPDUs
    - a. The development must provide a minimum of 15 percent MPDUs, or MCDHCA - approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 95 public benefit points for exceeding 12.5 percent MPDUs.
    - 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 September 11, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
  - d) Protection and Enhancement of the Natural Environment
    - i. Building Lot Terminations (BLTs)
 

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.30 BLTs to the MCDPS and M-NCPPC staff.
5. Common Open Space Covenant  
The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).
6. Recreation Facilities
- a) The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

## TRANSPORTATION & CIRCULATION

7. 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 July 28, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
8. Pedestrian & Bicycle Circulation
- a) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit.
    - i. East Jefferson Street: eight-foot-wide sidewalk with seven-foot-wide buffer from traffic.

- b) Before the Final building permit associated with the 86<sup>th</sup> townhouse for the residential development, the Applicant must provide the following master-planned natural surface trails, the exact location, design, and construction must be coordinated with the M-NCPPC Montgomery County Department of Parks (Montgomery Parks) and M-NCPPC Planning Staff.
  - i. A publicly accessible natural surface north/south trail along the west side of the Property with a minimum width of eight feet.
  - ii. A publicly accessible natural surface trail that connects to the western adjacent property (Green Acres School).
  - iii. The two trails will connect with each other on site and will ultimately connect to the other master-planned trail segments to the north and to the south of the Site when those properties redevelop.
  - iv. At the terminus of the north/south trail the Applicant must provide signage that identifies these locations as future trail connections until the adjacent properties redevelop.
- c) The Applicant must provide a Public Access Covenant for the benefit of the public over the master-planned natural surface trails in a form and substance approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.

9. 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 September 5, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

10. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A01-A07 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

11. Lighting

- a) Before 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 street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

#### 12. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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, outdoor recreational facilities, site furniture, fences, railings, private roads 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.

#### 13. Development Program

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

#### 14. 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:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

- ii. “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.”
- iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments 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) Correct the cross-section widths on the Cover Sheet to reflect the plan widths. This includes:
  - Private Street C – remove the 11.5-foot-wide tree panel and replace with a 7-foot-wide tree panel and 5-foot-wide sidewalk
- g) Show the bus shelter and bench per MCDOT letter.
- h) Provide a Recreation supply point exhibit.

## FOREST CONSERVATION PLAN F20230220

Staff recommends approval of Forest Conservation Plan No. F20230220, to replace the existing vacant office building with 86 townhouses, subject to the following conditions:

1. 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.
2. 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.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
  - a) Record a Category I Conservation Easement over all areas of forest retention as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
  - b) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed or Priority Area to satisfy the reforestation requirement for a total of 1.09 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 Rock Creek watershed or Priority Area or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
  - c) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - d) Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - e) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
  - f) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the variance mitigation trees, fencing, easement markers, and maintenance required for meeting the requirements of the FCP.
5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant

must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 88 caliper inches and located outside of any right-of-way or utility easements, including stormwater management easements, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

6. Certified Forest Conservation 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) Revise the Final Forest Conservation Plan to show 88 caliper inches of mitigation plantings.
- b) Show split rail fencing or equivalent along the eastern border of the Category 1 Conservation Easement.
- c) Show permanent conservation easement signage along the perimeter of the Category 1 Conservation Easement.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Subject Property (“Subject Property” or “Property” shown in red in Figure 1 below) is located within the employment center along Executive Boulevard and East Jefferson Street, within the western portion of the North Bethesda area. The Property is one recorded lot (Part of Parcel L, Washington Science Center Subdivision, Plat No. 12783). The Subject Property is located within the 2018 White Flint 2 Sector Plan area, and within a mile from both Twinbrook and North Bethesda Metrorail Stations. North and east of the Property are generally developed with commercial uses, including the Pike & Rose mixed-use development, and west of the Property are characterized by established single-family residential neighborhoods.

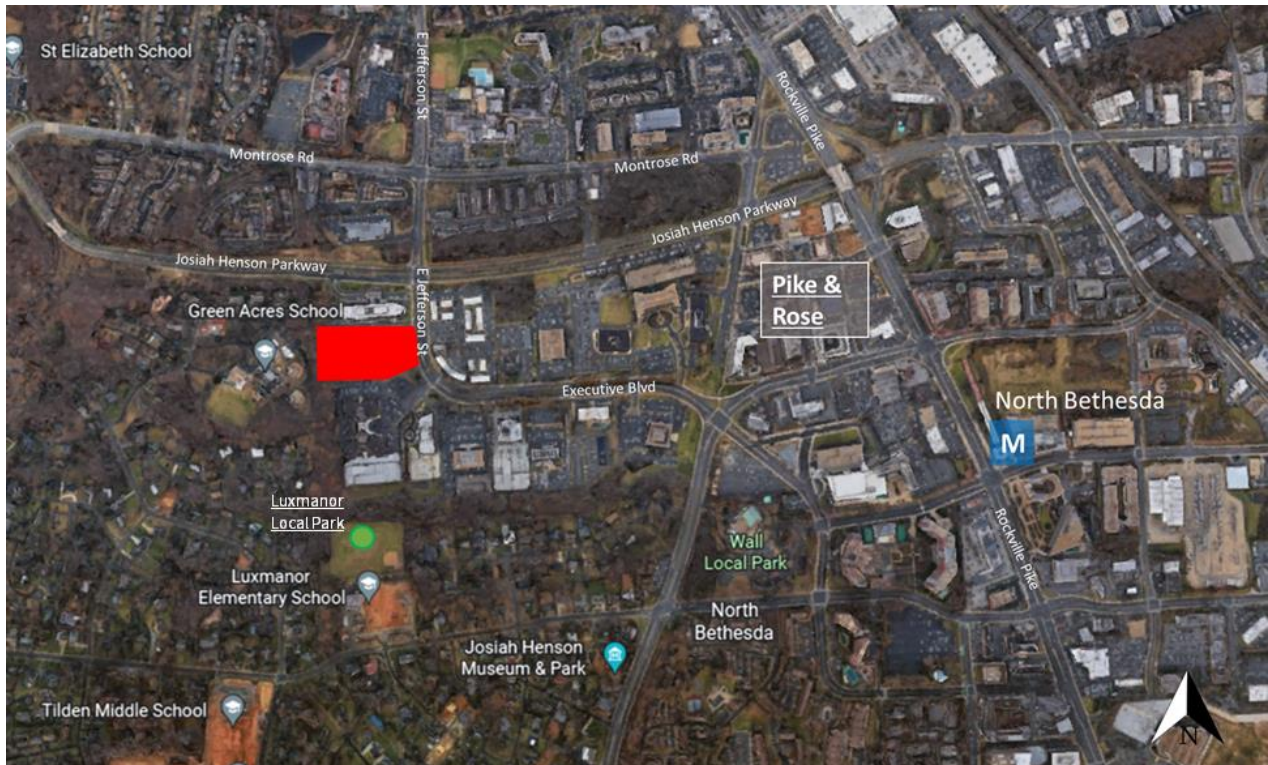
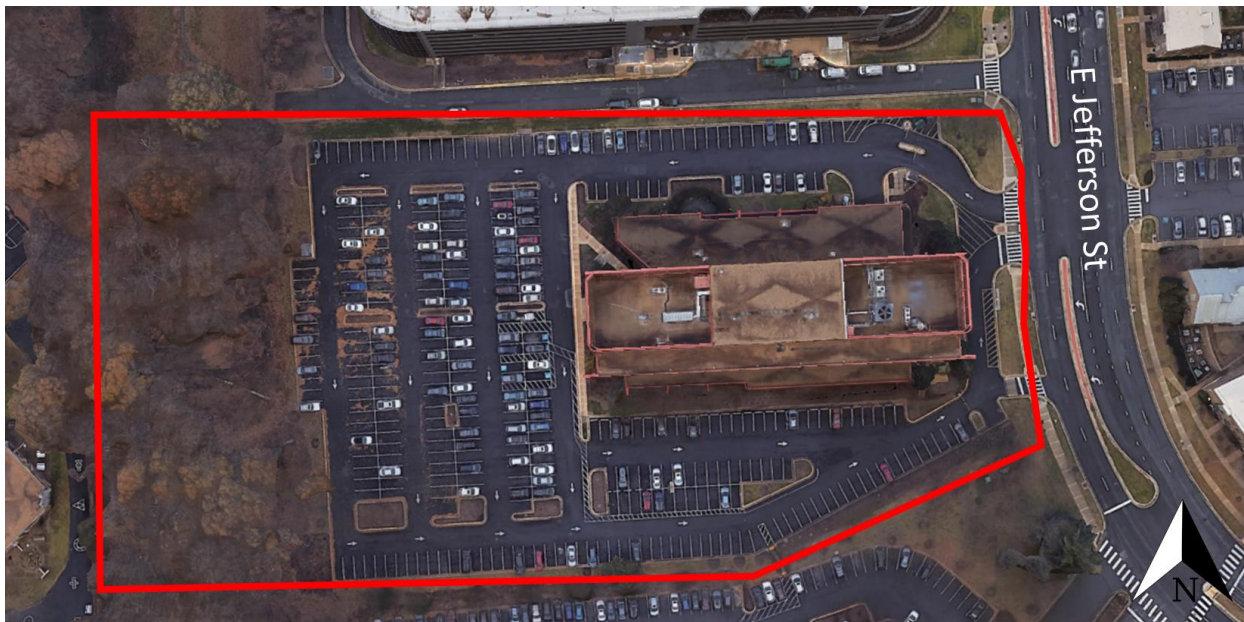


Figure 1 – Vicinity Map

## PROPERTY DESCRIPTION

The Subject Property is currently zoned CR-1.5, C-1.5, R-1.0, H-100 totaling 5.7 acres (248,765 sq.ft). The Property is currently developed with a multi-level office building and a large surface parking lot that surrounds the existing building. The office building is vacant and both the former owner and the current owner sought either commercial tenants or conversion of the existing office building into a residential use without success.

Directly to the north is a multi-story office building. To the south and east are multiple large office buildings and Luxmanor Park and Luxmanor Elementary School. Across East Jefferson Street from the Property is a low-rise "townhouse office" project. The adjacent property to the west is occupied by an institutional use (the Green Acres School) between a forested area that provides buffer along the rear.



*Figure 2 – Subject Property*



## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

On January 30, 2023, Sketch Plan No. 320220110, 2115 East Jefferson Street (MCPB Resolution No. 23-002) received approval to demolish the existing building and parking lot to redevelop the property with 93 townhouse units (including 15% MPDUs). The overall density is 0.98 FAR for a total of 245,000 square feet of residential uses.



*Figure 3 – Rendered Sketch Plan*

### PROPOSAL

The joint application for 2115 East Jefferson Street Preliminary Plan No. 120230100, Site Plan No. 820230080 continues to replace the existing vacant office building with townhouse units. However, the scope of the townhouses is reduced to 86 units from 93 units since the Sketch Plan approval. The project will provide 245,000 square feet of residential use with total of 15 percent MPDUs, totaling 13 units. The Preliminary Plan establishes the 86 townhouse lots, the creation of three private streets (A,B,C), three open space parcels (A,G,K) and within open space parcel A is the 100-foot conservation easement buffer. (See Figure 4.)

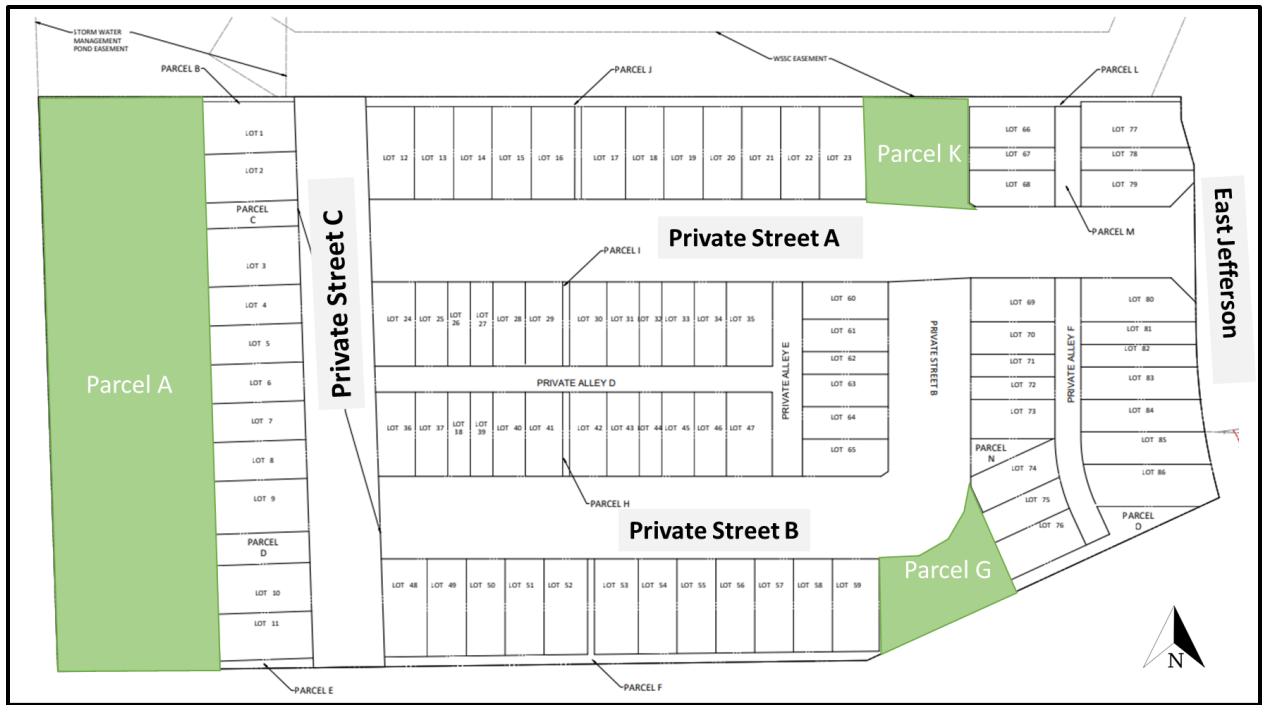


Figure 4 – Lotting Plan

The Site Plan establishes a new 86 townhouse unit development with a new streetscape that fronts on East Jefferson Street, provides active open spaces for the residents, creates new trail connections though the site to provide connectivity to Luxmanor Park and Green Acres School, and to the adjacent properties in the surrounding area.

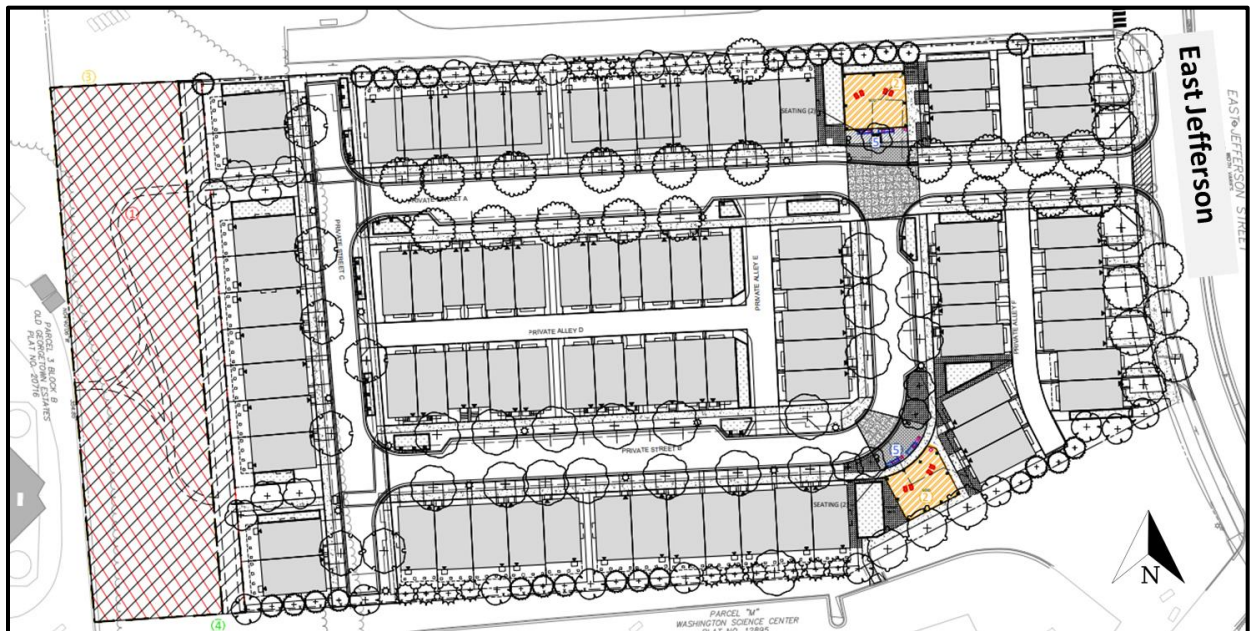


Figure 5 – Site Plan

## BUILDING/ARCHITECTURE

The majority of the townhouse units will be rear-loaded with alleys serving internal garages. The exceptions are generally the units on the northern, western, and southern perimeters of the Property, which will be front-loaded. Every unit will have its own garage parking.

The rear-loaded townhome sticks offer a modern composition with a flat roof and an optional roof terrace on the fourth level. The units with exposed side elevation toward a public realm will get special treatment with more fenestration and more durable materials on the ground level. The projected double-height bay windows create bookends on both ends of the stick.

The front-loaded townhome sticks offer a modern composition with an optional loft level with a walk-out terrace facing the front or the back on the fourth level. The units with exposed side elevation toward a public realm will get special treatment with more fenestration and more durable materials on the ground level.



*Figure 6 – Townhouse Renderings*

## OPEN SPACE

The Project is exceeding the 5 percent required for open space per Section 59.4.5.4.B.1 by providing 19 percent for a total of 45,000 square feet of common open space for the total development. The common open space is being provided within three open areas: Parcels A, G, and K.<sup>2</sup>

Open Space Parcel A is the large area which establishes the 100-foot-wide conservation easement buffer, which is located behind the townhouses along Private Street C. Parcel A is accessible to pedestrians at the terminus of Private Streets A and B, which allows for two small open spaces between the townhomes for a visual and physical connection to the natural trail path. The pedestrian path located in Parcel A connects to the sidewalk systems of the townhouse development and creates easy pedestrian circulation through the site and adjacent properties.

Open Space Parcels G and K are two small open spaces that are located on the north and south of the site, creating a small park with an open lawn, seating, and lighting elements on both ends of Private Street B. There is special pavement along the front of both plazas that extends into the crosswalks and creates an easier pedestrian connection to the other side of the streets.

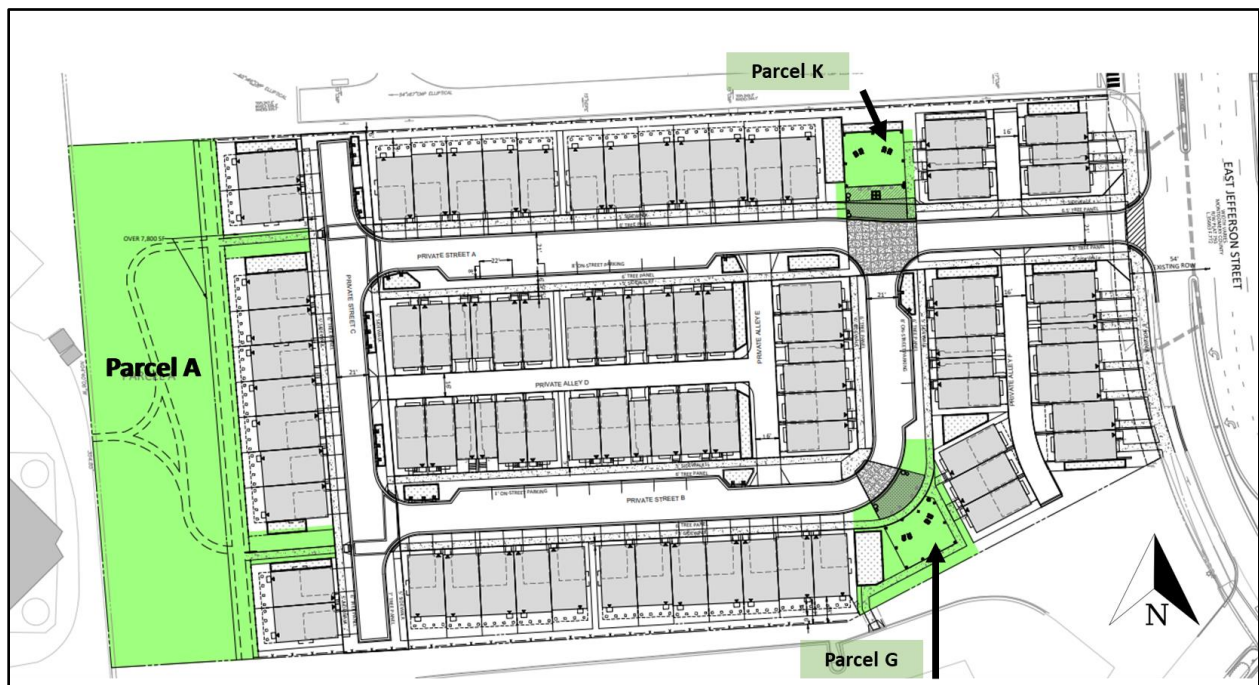


Figure 7 – Open Space Locations

<sup>2</sup> Per Section 59.4.5.4.B.1.C, Open space for townhouse development is common open space and must meet the requirements of Section 59.6.3.5

TRANSPORTATION

The main access to the site is proposed off East Jefferson Street which runs north to the south on the Property’s eastern frontage. The subject site currently has two curb cut access points onto East Jefferson Street and the project will reduce the access to one, thus reducing conflicts on the public transportation network, in alignment with the County’s Vision Zero Initiative.

This access will be made utilizing Private Street A, which is an east to west running private street along the northern end of the property. Within the site, two other private streets are proposed; Private Street C, which runs north to south on the western end of the site, and Private Street B, which runs both east-west as well as a short segment that runs north-south, providing circulation within the site. Units on the north, west, and south perimeters of the Property will be accessed via these private streets. Additionally, these streets connect to several alleys that provide access to the rear-loaded townhomes.

The sidewalk and street buffer along the Property frontage on East Jefferson will be redeveloped to provide a seven-foot-wide street buffer and eight-foot-wide sidewalk. No other modifications will be made to East Jefferson Street.

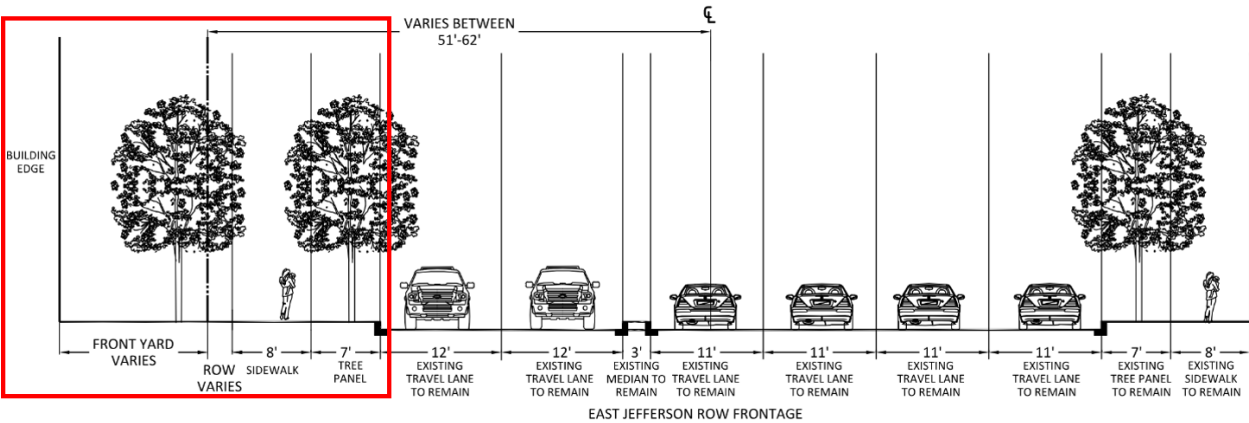


Figure 8 – East Jefferson Street Cross-Section

Private Street A will have two travel lanes. A six-and-a-half-foot-wide street buffer and five-foot-wide sidewalk is provided on both sides of the road on the section of Private Street A between East Jefferson Street and Private Street B. Between Private Street B and Private Street C, Private Street A will have a six-foot-wide street buffer and a five-foot-wide sidewalk on the north side of the street and a six-foot-wide street buffer and five-foot-wide sidewalk with an eight-foot-wide on-street parallel parking area on the south side of the street.

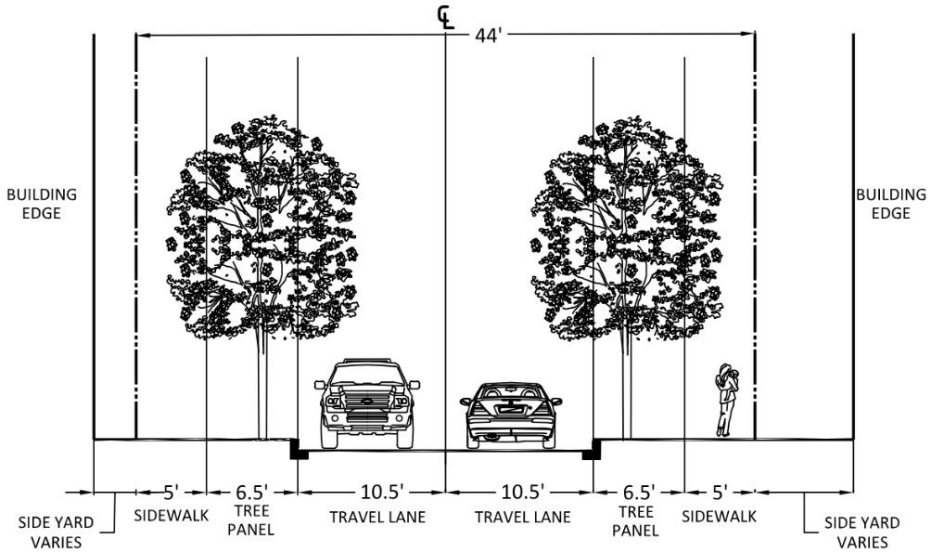


Figure 9 – Private Street A Without On-Street Parking Cross-Section

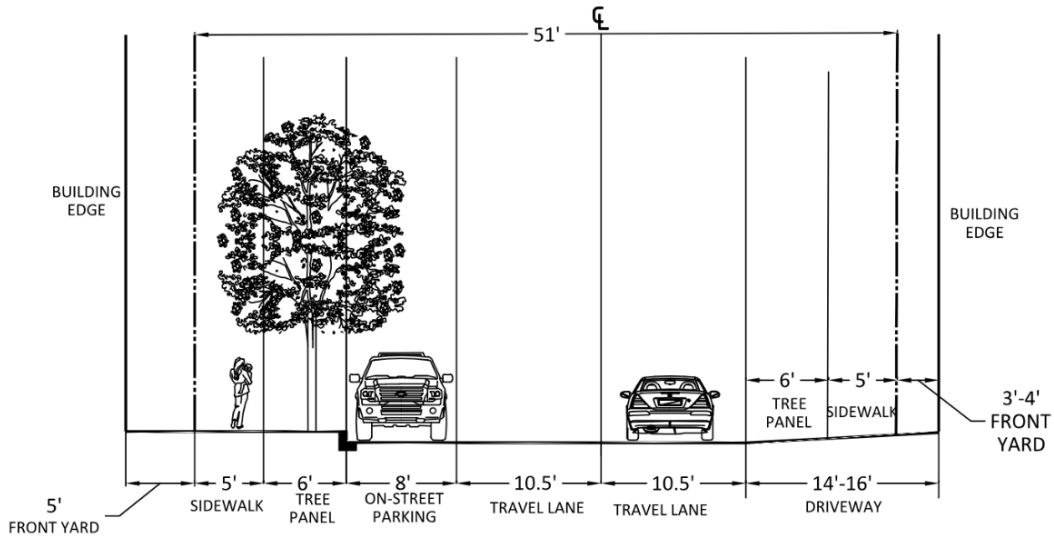


Figure 10 – Private Street A With On-Street Parking Cross-Section

Private Street B also has two travel lanes, with a short section of on-street parallel parking located on the east side of the street just south of where it intersects with Private Street A. The east-west segment of Private Street B will also have on-street parallel parking on the north side of the street. A six-foot-wide street buffer and five-foot-wide sidewalk is provided on both sides of the road.

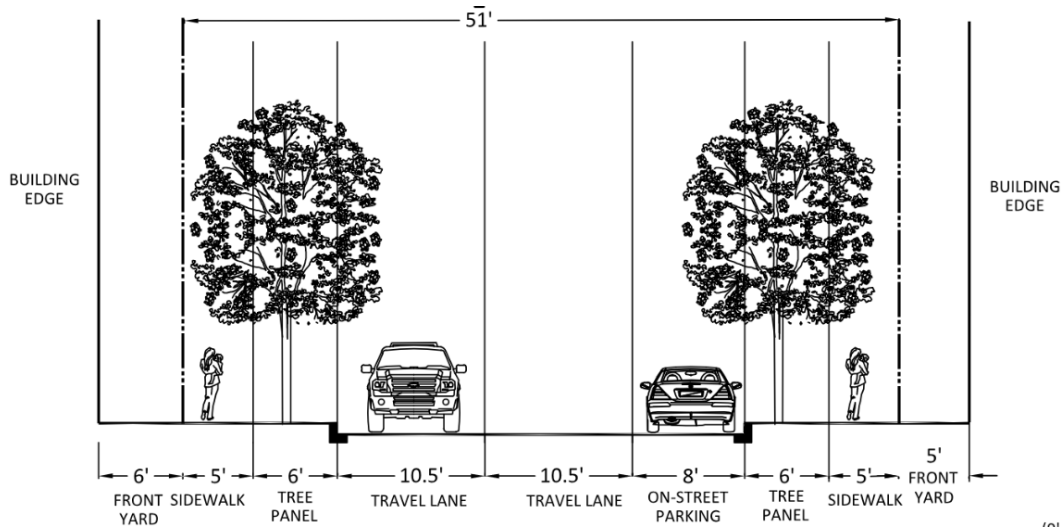


Figure 11 – Private Street B With On-Street Parking At Rear Load Townhouses

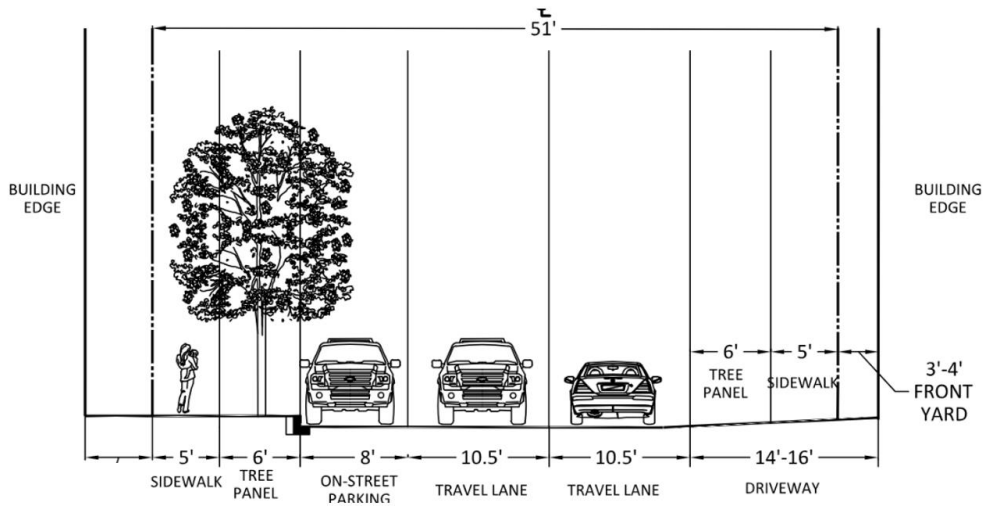


Figure 12 – Private Street B With On-Street Parking At Front Loaded Townhouses Cross-Section

Private Street C will have two travel lanes and does not include any on-street parking. A five-foot-wide sidewalk is provided on both sides of the road with a six-foot-wide street buffers separating the sidewalk from the roadway on the west side and a seven-foot-wide street buffers on the east side. Private Street C will not initially connect to the adjacent properties to the north and south. However, this road could be extended in the future when those properties are redeveloped to create smaller blocks and a more refined street network. As conditioned, the applicant will provide a public access easement to the north and to the south of Private Street C to allow for future block connections.



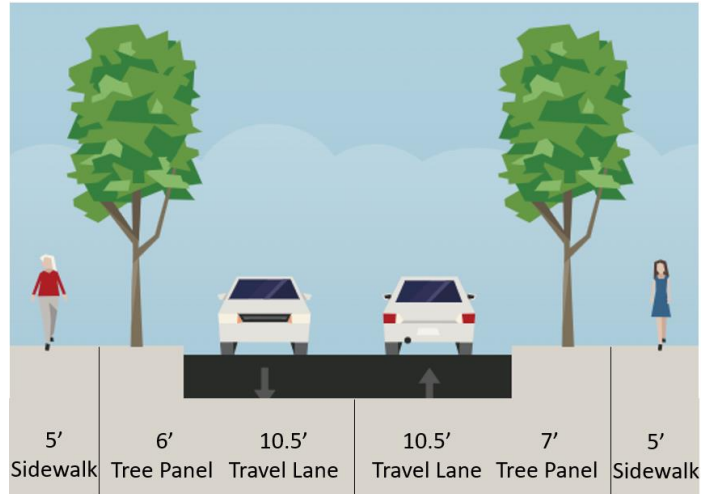


Figure 13 – Private Street C Cross-Section

The front-loaded driveways along the private streets have been carefully designed to reduce conflicts between pedestrians and vehicles. This includes keeping the sidewalks flush across the driveways and reducing the length of the driveways so that parked vehicles do not block the sidewalk. The driveway lengths were reduced to make them too short for vehicles to park cars on them in an effort to keep parked vehicles from blocking the sidewalk. The alleys will be designed with 16-foot wide two-way drive aisles consistent with the minimum standards required per Chapter 49 of the County Code and the 2021 *Complete Streets Design Guide*.

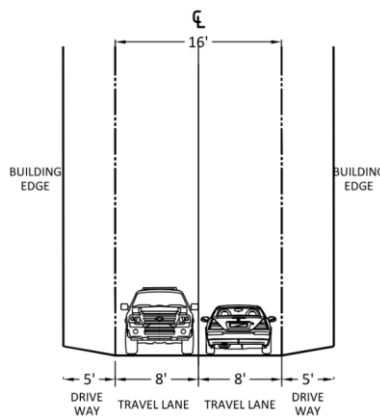


Figure 14 – Alley Cross-Section

Pedestrian access will be primarily provided off the frontage on East Jefferson Street utilizing the improved sidewalk. An existing ADA pedestrian connection located at the southern end of the property that connects to the adjacent property will also be maintained.

An eight-foot-wide north-south natural surface trail on the western end of the site will be constructed as part of the development. This trail connection was identified in the 2018 *White Flint 2 Sector Plan*. The trail will terminate at the Subject Property’s property line, which borders 2101 East Jefferson

Street to the north and 6120 Executive Boulevard to the south. 6120 Executive Boulevard has received Site Plan approval (81983080C) for converting office space to a daycare and the development of a new play yard. The approval also includes a condition requiring a north-south trail extending to Luxmanor Local Park to the south. The trail connection will be made by the development by the 86<sup>th</sup> townhouse building permit that is under construction last. A connection to 2101 East Jefferson Street to the north will be made when that property is redeveloped.

A dual east-west five-foot-wide natural surface trail that connects the north-south trail to the adjacent Green Acres School property will also be constructed, enabling access to Green Acres to and from East Jefferson Street. One of the trails aligns with Private Street A and the second aligns with Private Street C, they then converge before making the connection to the Green Acres School.

The Subject Property is well served by transit. It is within a mile of the North Bethesda Metrorail Station which is served by Metrorail’s Red Line. Additionally, an existing bus stop served by Ride On routes 5, 26, and 81 is located at the northeast corner of the site. This flag stop will be replaced with a bus shelter and bench, as conditioned.

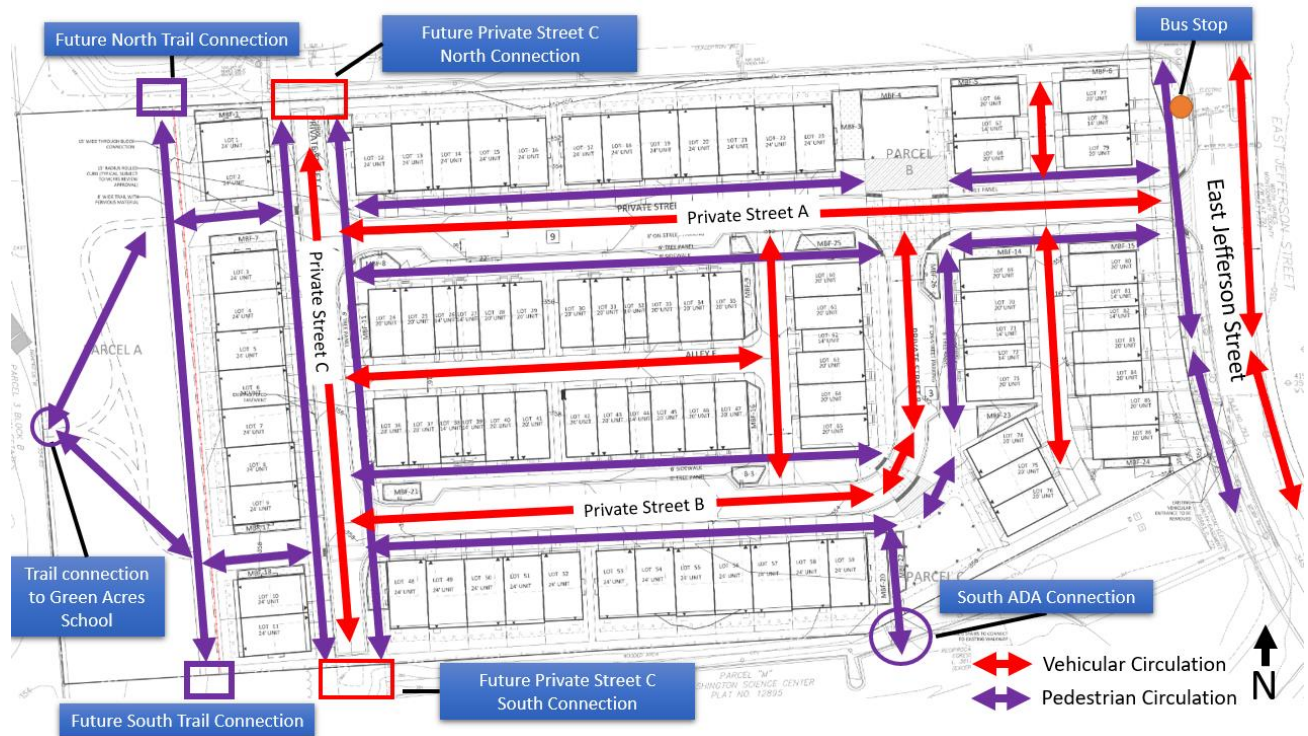


Figure 15 – Site Circulation

## ENVIRONMENT

The Application proposes to clear 0.60 acres of forest and retain 0.81 acres of forest. The retained forest will be protected in a Category 1 Conservation Easement. The 1.09-acre planting requirement will be met off-site in a forest bank or by payment of fee-in-lieu. A Variance has been requested for the removal of 13 and impacts to 10 Protected Trees. The Variance is required for the construction of the 86 townhouses and associated facilities, including the required off-site stormwater facility retrofit. Native canopy trees will be planted to mitigate for the form and function of the removed trees.

## SECTION 4: PRELIMINARY PLAN 120230100 FINDINGS AND ANALYSIS

The Preliminary Plan creates up to 86 townhouse lots, three private road parcels, and three open spaces/ HOA parcels for a total of 245,000 square feet of residential development. 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.**

**a) The block design is appropriate for the development or use contemplated**

**b) The lot design is appropriate for the development or use contemplated**

**c) The Preliminary Plan provides for required public sites and adequate open areas**

### **Master Planned Sites**

i. **Local Recreation**

ii. **Transportation and Utilities**

**d) The Lot(s) and Use comply with the basic requirements of Chapter 59**

The 86 townhouse lots, three private road parcels, three open spaces and HOA parcels are appropriate for the location of the subdivision considering the recommendations in the 2018 *White Flint Sector Plan* and the type of development and use contemplated. The lots are appropriately sized and located considering the amount of density and height and the infill development envisioned by the Sector Plan. The lots comply with all applicable dimensional requirements of the CR zone as specified in the Zoning Ordinance. Block design is appropriate and efficient for an infill townhouse development on the property. The Private Street parcels allow for future connections to extend the block pattern to the north and south if the properties redevelop.

*Table 1: 2115 East Jefferson Street Data Table for CR Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	N/A	248,765 sq ft
<b>Prior Dedication</b>	N/A	9,547
<b>Proposed Dedication</b>	N/A	0
<b>Site Area</b>	N/A	239,218 sq ft
<b>Mapped Density CR-1.5 C-1.5, R-1.0, H-100</b>		
<b>Commercial (GFA/ FAR)</b>	373,148 sq ft/ 1.5	0
<b>Residential (GFA/ FAR)</b>	248,765 sq ft/ 1.0	245,000 sq ft/0.98
<b>Total Mapped Density (GFA/FAR)</b>	373,148 sq ft/ 1.5	245,000 sq ft/0.98
<b>MPDU requirement</b>	15%	15% (13 units)
<b>Building Height, max average</b>	100 ft.	50 ft.
<b>Common Open Space (min s.f.)</b>	11,961	47,000 sq. ft.

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

**a) Land Use**

The 2115 E. Jefferson Street property is located in the 2018 *White Flint 2 Sector Plan* (Sector Plan or Plan) area. The Sector Plan and subsequent Sectional Map Amendment rezoned this Property to the CR-1.5 C-1.5 R-1.0 H-100 Zone with a recommendation to: “promote infill development, provide new public benefits that advance the Sector Plan recommendations, and to provide a transition to the existing Luxmanor residential community” (p.35). The redevelopment of the vacant office building to a new townhouse community meets the infill development and provides new public benefits per the Section’s Plan Recommendations.

**b) Environment**

The Sector Plan speaks about the retention of Old Farm-Neilwood Creek and a large, wooded area along several properties are key Executive Boulevard South area recommendations. The Sector Plan states that the Old Farm-Neilwood Creek,

*exists within an a 100-foot easement that contains approximately 14 acres of existing forested areas and defines the southern edge of this area. The western edge of this area is defined by another large wooded area that was required by the setback requirement in the prior I-3 Zone. This Plan recommends the retention of southern and western forested areas to contribute to the Plan’s environmental and tree canopy goals, and to establish a wooded buffer and facilitate a compatible relationship with the existing Luxmanor residential community (p.34).*

Also, the Sector Plan provides specific sustainability recommendations for the Executive Boulevard area, including preservation of the existing wooded areas (p.67). The Plan also states that the Executive Boulevard area “could transform through infill development or redevelopment into a lushly planted, sustainable office park, if green neighborhood design principles and best practices can be introduced and coordinated between adjacent landowners” (p.67).

The Sector Plan also provides overall environmental sustainability recommendations, including preserving natural resources, improving water and air quality, and reducing carbon emissions.

Important natural resources recommendations are to:

- Incorporate multiple layers of native vegetation in landscaping, including plants that are highly attractive to pollinators, to provide food sources for declining populations of native pollinator species.
- Direct infill development to existing surface parking lots to preserve green spaces (p.62).

Important water quality recommendations are to:

- Promote the use of environmental site design (ESD) techniques to reduce impervious areas (p.63).

Significant air quality recommendations are to:

- Increasing forest and tree cover.
- Incorporate building design features that keep roofs cool, such as green roofs or cool roofs.
- Promote site and building design for energy conservation (p.64).

The retention of the western wooded area and redeveloping on existing impervious areas are important sustainability recommendations included with the proposed development. Additionally, the development is 0.8 miles from the North Bethesda (formerly White Flint) and Twinbrook Metrorail Station entrances.

### ***c) Transportation***

The Project substantially conforms with the 2019 *Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans*, 2018 *White Flint 2 Sector Plan*, 2018 *Bicycle Master Plan*, and the 2021 *Complete Streets Design Guide*.

i.

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

#### ***a) Roads and other Transportation Facilities***

##### ***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 with a dedicated northbound left-turn

lane as well as center median south of the Subject Property access. Sidewalks are present on both sides of the roadway.

The site has one existing bus stop located at the northeastern corner of the frontage. It is served by three Montgomery County Ride On routes.

- Ride On route 5 provides service between the Silver Spring Metro Station and the Twinbrook Metro Station.
- Ride On route 26 provides service between the Glenmont Metro Station and the Montgomery Mall Transit Center.
- Ride On route 81 provides service between the Rockville Metro Station and North Bethesda Metro Station.

***Proposed public transportation infrastructure***

- ii. The sidewalk and street buffer along the Property frontage on East Jefferson Street will be redeveloped to provide a seven-foot-wide street buffer and eight-foot-wide sidewalk. This is consistent with the 2019 Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans. No dedication is required to provide these frontage improvements.

- iii. ***Proposed private transportation infrastructure***

*Private Road Justification*

A private road justification finding was made by the Board at the time of the Sketch Plan. As noted during that determination, the primary justification for the private road network is that there is a major Pepco easement running through the property and that easement does not allow public roads to run coincident with it. In addition, there are several non-standard design elements that are utilized to both maintain a compact form of development while also meeting fire access requirements. These elements include a centerline road curvature of 40 feet as well as five-foot-wide sidewalks, both of which are less than the County Standard. Five-foot-wide sidewalks were determined to be acceptable due to the limited space available and to ensure sufficient space for street trees and the ability to provide on-street parking. In addition, these internal streets will likely have relatively low pedestrian volumes at any given time based on the land use, reducing the need for additional space for pedestrians to pass one another. Traffic speeds and volumes will also be low on these internal roads. Private roads best accommodate the project design, and the Applicant has continued to work with Planning Staff, MCDOT, Fire & Rescue and others to achieve the appropriate design.

Private Street A will be constructed on the north end of the Site. The drive aisle includes two ten-and-a-half-foot-wide travel lanes. Between Private Street B and Private Street C, an eight-foot-wide on-street parking area will be present on the south side of the street. A six-foot-wide street is buffered from the roadway with a five-foot-wide landscape buffer on both sides of the street.

Private Street B, which connects to Private Street A and Private Street C, includes two ten-and-a-half-foot-wide travel lanes. The short north-south segment of the street just south of the intersection with Private Street A includes an eight-foot-wide on-street parking area on the east side of the street. The east-west segment of the street also includes an eight-foot-wide on-street parking area on the north side of the street. A five-foot-wide sidewalk is buffered from the roadway with a six-foot-wide landscape buffer on both sides of the street.

Private Street C, which runs north-south toward the west side of the property includes ten-and-a-half-foot-wide travel lanes. A five-foot-wide sidewalk is buffered from the roadway with a six-foot-wide landscape buffer on the west side of the street and a seven-foot-wide landscape buffer on the east side of the street.

Several sixteen-foot-wide alleys will also be constructed to provide access to the rear-loaded townhomes. These alleys will be accessed via the private streets.

An eight-foot-wide north-south natural surface trail on the western end of the site will be constructed as part of the development. The trail will terminate at the Subject Property's property line, which borders 2101 East Jefferson Street to the north and 6120 Executive Boulevard to the south. 6120 Executive Boulevard has received Site Plan approval (81983080C) for converting office space to a daycare and the development of a new play yard. The approval also includes a condition requiring a north-south trail extending to Luxmanor Local Park to the south. The trail connection will be made by the development that is under construction last. A connection to 2101 East Jefferson Street to the north will be made when that property is redeveloped.

A dual east-west five-foot-wide natural surface trail that connects the north-south trail to the adjacent Green Acres School property will also be constructed, enabling access to Green Acres to and from East Jefferson Street.

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

The previous use on the Site was an office building and parking lot. The proposed 86 townhomes are estimated to generate a net decrease of 215 person trips in the morning peak hour and a net decrease of 197 person trips in the evening peak hour. The 2020-2024 Growth and Infrastructure Policy requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the



morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

*Table 2: Trip Generation Analysis*

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates North Bethesda Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	128,645 sq. ft. of General Office	208	205	181	178	275	271
Proposed	86 Single-Family Attached Housing	39	48	32	40	60	74
Net Change						-215	-197

Source: Transportation Exemption Statement from Lenhart Traffic Consulting, Inc., March 29, 2023, modified by staff

**c) Schools**

**Overview and Applicable School Test**

No Utilization Premium Payment (UPP) is required for the proposed Preliminary Plan No. 120230100 and Site Plan No. 820230080 located at 2115 E. Jefferson Street, Rockville, Maryland, which is scheduled to come before the Planning Board on October 12, 2023. Therefore, the FY24 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023 is applicable to this application. This plan proposes a total of 86 single family attached units.

**School Adequacy Test**

The project is served by Luxmanor ES, Tilden MS and Walter Johnson HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3. Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Luxmanor ES	746	799	107.1%	-53	No UPP	32	97	209
Tilden MS	1,244	1,139	91.6%	+105	No UPP	231	354	541
Walter Johnson HS <sup>3</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 FY24 Annual School Test, Luxmanor ES, Tilden MS and Walter Johnson HS do not require any UPP as identified in Table 3.

**Calculation of Student Enrollment Impacts**

To calculate the number of students generated by the proposed amendment, 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 86 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 a Turnover Impact Area:

Table 4. 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	86	0.218	18.748	0.119	10.234	0.167	14.362
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
<b>TOTALS</b>	<b>86</b>		<b>18</b>		<b>10</b>		<b>14</b>

As shown in Table 4, on average, this project is estimated to generate 18 elementary school students, 10 middle school students and 14 high school students.

<sup>3</sup> Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Down County Consortium, Bethesda-Chevy Chase HS, Walter Johnson HS, Walt Whitman HS, and Charles Woodward HS in 2026.

## **Analysis Conclusion and Condition of Approval**

No UPP condition required.

### ***d) 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. All Forest Conservation Law, Chapter 22A requirements are satisfied.***

##### ***a) Forest Conservation Plan***

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20230220.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 5, 2023 (Attachment B). The Application will meet stormwater management goals using micro-bioretenion planter boxes and an offsite pond retrofit with micro-pools and extended detention to meet remaining ESD requirements.

#### ***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.***

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

#### ***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 5: SITE PLAN 820230080 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR 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 Project satisfies prior approvals, including Sketch Plan No. 320220110.

- 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.

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

**Division 59.4.5.4 Zone CR-1.5, C-1.5, R-1.0**

Table 5: 2115 East Jefferson Street Data Table for CR Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	N/A	248,765 sq ft
<b>Prior Dedication</b>	N/A	9,547
<b>Proposed Dedication</b>	N/A	0
<b>Site Area</b>	N/A	239,218 sq ft
<b>Mapped Density CR-1.5 C-1.5, R-1.0, H-100</b>		
<b>Commercial (GFA/ FAR)</b>	373,148 sq ft/ 1.5	0
<b>Residential (GFA/ FAR)</b>	248,765 sq ft/ 1.0	245,000 sq ft/0.98
<b>Total Mapped Density (GFA/FAR)</b>	373,148 sq ft/ 1.5	245,000 sq ft/0.98
<b>MPDU requirement</b>	15%	15% (13 units)
<b>Building Height, max average</b>	100 ft.	50 ft.
<b>Open Space (min s.f.)<sup>1</sup></b>	11,961	47,000 sq.ft.

<sup>1</sup> Per Section 59.4.5.4.B.1.C, Open space for townhouse development is common open space and must meet the requirements of Section 59.6.3.5

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

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 127.66 public benefit points in 4 categories to satisfy the requirements:

Table 6: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
<b>Major Public Facilities</b>	70	10
<b>Transit Proximity</b>	70	20
<b>Diversity of Uses and Activities</b>		
Moderately Price Dwelling Units	N/A	95
<b>Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	2.66
<b>Total Points</b>		<b>127.66</b>

CATEGORY

**Major Public Facility**

School and Park Contribution

The Sketch Plan approved the required for 15 points for making a proportional financial contribution towards a school or a park with the final determination of contributions and points will be determined at Site Plan.

During the review of the Site Plan Application, Planning Staff determined the creation of the natural surface trail within the conservation easement meets the contribution towards a school or a park for the “Major Public Facility”. The pedestrian trail will connect to an existing trail system to the south of the property with connections to Luxmanor Park and Elementary School. To the west the trail will connect to Green Acres School. Providing this trail connection is essential to providing access through the property to two school sites and a park. Based on the scope of the project and providing a connection to the schools and a park along with the new sidewalk and streetscape for the private roads, Planning Staff determined the natural surface trail is efficient for the Major Public Facility category; rather than making a financial contribution. Planning Staff will continue to assess projects within the *2018 White Flint 2 Sector Plan* and determine when a proportional financial contribution towards a school or a park is required. Planning Staff recommends approval of the category and a total of **10-points**.

### **Transit Proximity**

The entire Property is located between ½ and 1-mile from the North Bethesda Metrorail (level 1) Station. Planning Staff recommends approval of the **20-point** request based on the Property’s proximity to a Level 1 transit stop.

### **Diversity of Uses and Activities**

#### Moderately Priced Dwelling Units

The Applicant is requesting points for providing 15 percent MPDUs, one of the highest priority *2018 White Flint 2 Sector Plan* goals. The project will provide 15 percent MPDUs. Twelve (12) points are allowed for every percentage point over 12.5 percent MPDUs. Planning Staff recommends approval of the category based on the following calculation:

*Formula: (P-R)\*12 + W\*2+T\*5*

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2-bedroom MPDUs provided, not otherwise required)

T (percentage 3-bedroom MPDUs provided)

$(15 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) * 12 + 0 \text{ (percentage of 2-bedroom MPDUs not required)} * 2 + 13 \text{ (percentage of 3-bedroom MPDUs)} * 5 = \mathbf{95 \text{ points}^4}$

### **Protection and Enhancement of the Natural Environment**

#### *Building Lot Termination (BLT)*

The Applicant requests points permitted for the purchase of approximately 0.03 BLT. Planning Staff recommends approval of the category based on the following calculation:

$(7.5\% \text{ of } 124,382.5 \text{ (incentive density gross floor area)})/31,500 * 9 = \mathbf{2.66 \text{ points}}$

---

<sup>4</sup> This calculation was determined appropriate based on this townhouse development. A different calculation could be interpretation to provide more incentive to multi-family projects to provide 3-bedroom MPDUs.

## ***Division 59-6 General Development Standards***

### ***(1) Division 6.1 Site Access***

Vehicular access to the Site will occur via East Jefferson Street via Private Street A. A public access easement will be put on Private Street C to allow the ability for future connections to the north and south<sup>iii</sup> of the Subject Property when they redevelop.

Pedestrian access will primarily be made via East Jefferson Street. As described in the Transportation section of this report, pedestrian access will be improved through the redevelopment of the sidewalk and street buffer on the East Jefferson Street frontage. The existing ADA pedestrian access located on the south side of the site will be maintained. A natural surface trail connection will be made to the adjacent western property. Additionally, a north-south natural surface trail will be constructed and extended to the properties to the north and south when they redevelop.

### ***(2) Division 6.2 Parking, Queuing and Loading***

Parking is primarily proposed within the front-loaded and rear-loaded townhomes. On-street parking is limited to 19 parallel parking stalls located on portions of Private Street A and Private Street B.. A total of 191 parking spaces will be provided. This is higher than the minimum of 80 spaces required and exceeds the maximum of 172 spaces. However, per Section 59.6.2.3.H.2.b., an applicant may provide more parking spaces than allowed by the maximum if all the parking spaces provided in excess of the maximum number allowed are made available to the public and are not reserved. The additional 19 spaces will be signed as available for public use.

### ***(3) Division 6.3 Open Space and Recreation***

As discussed in the Staff report, the Project will meet the Open Space and Recreation requirement by providing onsite open space within Parcel A, G and K for a total of 19 percent, exceeding the 5 percent requirement. The Recreation requirements are being met by providing onsite trail connections, picnic seating, natural areas, and open small grass lawn areas.

### ***(4) Division 6.4 General Landscaping and Outdoor lighting***

There are no particular screening and landscaping requirements per Chapter 59 for this project. The Project provides adequate landscaping and lighting, as well as other site amenities, to ensure that the townhouse development will be safe, adequate, and efficient for residents and visitors.

#### ***e) Satisfies the applicable requirements of:***

#### ***Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

DPS approved a Stormwater Management Concept on September 5, 2023. The plan proposes to meet required stormwater management goals via the use of micro-bioretenion planter boxes and an offsite pond retrofit with micro-pools and extended detention to meet remaining ESD requirements.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20230220.

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

As discussed in the transportation section of this Staff Report, the Project provides satisfactory general vehicular, pedestrian, and bicyclist access, and circulation within the development.

- 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 the Preliminary Plan findings, the Project meets the *Rock Spring & White Flint 2 Sector Plans*, *2018 White Flint 2 Sector Plan*, *2018 Bicycle Master Plan*, and the *2021 Complete Streets Design Guide* master-planned transportation facilities.

- 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;**

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.

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

This section is not applicable as the Property is zoned CR.

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



The Property is compatible with adjacent commercial properties (zoned CR) to the north and south by providing frontage along East Jefferson Street. It will improve the presence along East Jefferson Street rather than the former office that set back farther from the street. The scale of the townhouse matches the low-rise "townhouse office" development to the east (zoned EOF). The Project establishes the conservation easement buffer and creates new open space amenities and this provides new connections to the single-family community to the west (zoned R-200).

## SECTION 6: FOREST CONSERVATION PLAN F20230220 FINDINGS AND ANALYSIS

### FOREST CONSERVATION

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(a) as a project by “a person required by law to obtain approval or amendment to a development plan, diagrammatic plan, project plan, floating zone plan, sketch plan, preliminary plan of subdivision, administrative subdivision, minor subdivision, or site plan.” The Application meets the requirements of Chapter 22A - Montgomery County Forest Conservation Law (“FCL”)<sup>5</sup>. Final Forest Conservation Plan (“FFCP”) No. F20230220 was submitted for review and approval concurrently with the Preliminary Plan No. 120230100 and Site Plan No. 820230080 (Attachments A & D). The total net tract area for forest conservation purposes includes the tract area of 5.492 acres and 1.26 acres of off-site disturbance for a total of 6.75 acres. The Property is zoned CR-1.5, C-1.5, R-1.0, H-100 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 Property contains 1.41 acres of forest. The Application proposes to clear 0.60 acres of forest and retain 0.81 acres of forest. The retained forest will be protected in a Category 1 Conservation Easement. There is a 1.09-acre reforestation requirement as calculated in the Forest Conservation Worksheet. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

### FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

---

<sup>5</sup> Based on the initial submittal date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect prior to April 3, 2023.

This Application will require the removal or CRZ impact to 23 Protected Trees as identified in Table 7. The Variance request is for the removal of 13 and impact to 10 Protected Trees for the construction of 86 townhouses and associated facilities. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

*Table 7: Removed Protected Trees*

<b>Tree ID</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>DBH</b>	<b>% Impact</b>	<b>Status</b>
8	Tulip Poplar	<i>Liriodendron tulipifera</i>	46 in.	100%	Remove tree
9	Tulip Poplar	<i>Liriodendron tulipifera</i>	30 in.	100%	Remove tree
10	Tulip Poplar	<i>Liriodendron tulipifera</i>	50 in.	100%	Remove tree
11	Tulip Poplar	<i>Liriodendron tulipifera</i>	50 in.	100%	Remove tree
12	Tulip Poplar	<i>Liriodendron tulipifera</i>	41.5 in.	100%	Remove tree
17	Tulip Poplar	<i>Liriodendron tulipifera</i>	37 in.	100%	Remove tree
215	Red Oak	<i>Quercus rubrum</i>	30.5 in.	100%	Remove tree
216	Tulip Poplar	<i>Liriodendron tulipifera</i>	31.3 in.	100%	Remove tree
224	Red Oak	<i>Quercus rubrum</i>	30.1 in.	100%	Remove tree
237	Red Oak	<i>Quercus rubrum</i>	30.3 in.	100%	Remove tree
239	Red Oak	<i>Quercus rubrum</i>	36.1 in.	100%	Remove tree
687	Red Oak	<i>Quercus rubrum</i>	32.8 in.	100%	Remove tree
1014	Tulip Poplar	<i>Liriodendron tulipifera</i>	64.3 in.	100%	Remove tree

Table 8: Impacted Protected Trees

Tree ID	Common Name	Scientific Name	DBH	% Impact	Status
15	Tulip Poplar	<i>Liriodendron tulipifera</i>	32 in.	18%	Save tree
16	Tulip Poplar	<i>Liriodendron tulipifera</i>	30 in.	31%	Save tree
19	Southern Red Oak	<i>Quercus falcata</i>	36 in.	37%	Save tree
20	Tulip Poplar	<i>Liriodendron tulipifera</i>	33 in.	20%	Save tree
229	Tulip Poplar	<i>Liriodendron tulipifera</i>	40.4 in.	1%	Save tree
230	Red Oak	<i>Quercus rubra</i>	30 in.	2%	Save tree
688	Tulip Poplar	<i>Liriodendron tulipifera</i>	33.4 in.	8%	Save tree
690	Tulip Poplar	<i>Liriodendron tulipifera</i>	38.8 in.	5%	Save tree
1007	Red Oak	<i>Quercus rubra</i>	31.5 in.	15%	Save tree
2038	Red Oak	<i>Quercus rubra</i>	35.4 in.	16%	Save tree

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment E), and the Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property without the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship because the existing vacant office building and surface parking lot cannot be demolished, and the Property redeveloped with 86 townhomes and an existing offsite stormwater management facility retrofitted without impacting and removing the Protected Trees. Impacts to Protected Trees have been minimized while maximizing forest retained.

Trees no. 8, 9, 10, 11, 12, 15, 16, 17, 19, 20, and 1014 will be impacted due to the installation of a necessary stormwater embankment. Attempts will be made to reduce the extent of the impacts to save the trees during construction. An arborist will be present during the construction and installation of the embankment to assist with any necessary tree protection strategies.

Trees no. 215, 216, 224, 229, 230, 237, 239, 687, 688, 690, 1007, 2038 will be impacted by the footprint of the development. The applicant has made significant reductions in unit counts and lot depths to increase green area and limit overall site impacts.

### Tree Variance Findings

**1. Will not confer on the Applicant a special privilege that would be denied to other applicants.**

Granting the Variance to remove or disturb the Protected Trees listed in Tables 7 and 8 will not confer a special privilege on the Applicant as the impacts are due to necessary development

requirements of the site, as outlined in the preceding paragraphs. Impacts have been minimized but cannot be avoided. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.

**2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.***

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on existing site conditions and the requirements to meet development standards, sector plan goals, and County Code requirements. The Applicant has designed the project to minimize the impacts to Protected Trees to the extent possible and maximize forest retention.

**3. *Is not based on a condition relating to land or building use, either permitted or non-conforming on a neighboring property.***

The requested Variance is a result of the existing conditions and the required improvements on the Property, and not as a result of land or building use on a neighboring property.

**4. *Will not violate State water quality standards or cause measurable degradation in water quality.***

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland, or a special protection area. Mitigation trees will be planted on the Subject Property to replace the lost form and function of Protected Trees being removed.

#### Mitigation for Trees Subject to the Variance Provision

There are eight (8) Protected Trees located outside of forest proposed for removal resulting in a total of 349.3 inches of DBH being removed. The FCP includes mitigation for Protected Trees 8, 9, 10, 11, 12, 17, 215, and 1014, to replace the form and function of these trees. Per Planning Board policy, these trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3 caliper inches in size. This results in a total mitigation required of 87.3 inches. The Applicant is proposing to plant 30 3-inch caliper trees to meet this requirement.

Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. These mitigation trees must be overstory trees native to the Piedmont Region of Maryland and installed on the Subject Property outside of any rights-of-way and/or utility easements. This Application is subject to the Forest Conservation Law in effect prior to April 3, 2023 therefore no mitigation is required for Protected Trees removed within forest stands.

## SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on March 8, 2023, for the 2115 East Jefferson Street, Preliminary Plan No. 120230100 and Site Plan No. 820230080. The meeting was conducted virtually per COVID-19 Guidelines and the Applicant has complied with all submittal and noticing requirements.

As of date of this Staff Report, no correspondence has been received on the Subject Application.

## SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan No. 120230100 and Site Plan No. 820230080 applications each satisfy the findings under Sections 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the *2018 White Flint 2 Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

---

### ATTACHMENTS

*Attachment A: Preliminary/Site Plan*

*Attachment B: Prior Approvals*

*Attachment C: Agency Letters*

*Attachment D: Forest Conservation Plan*

*Attachment E: Tree Variance*



E-FILE STAMP

# Attachment A

**VICINITY MAP**  
SCALE: 1" = 2000'

**VKA MARYLAND, LLC**  
20251 Century Blvd., Suite 400  
Germantown, MD 20874  
301.916.4100 | vka.com

Our Site Set on the Future.

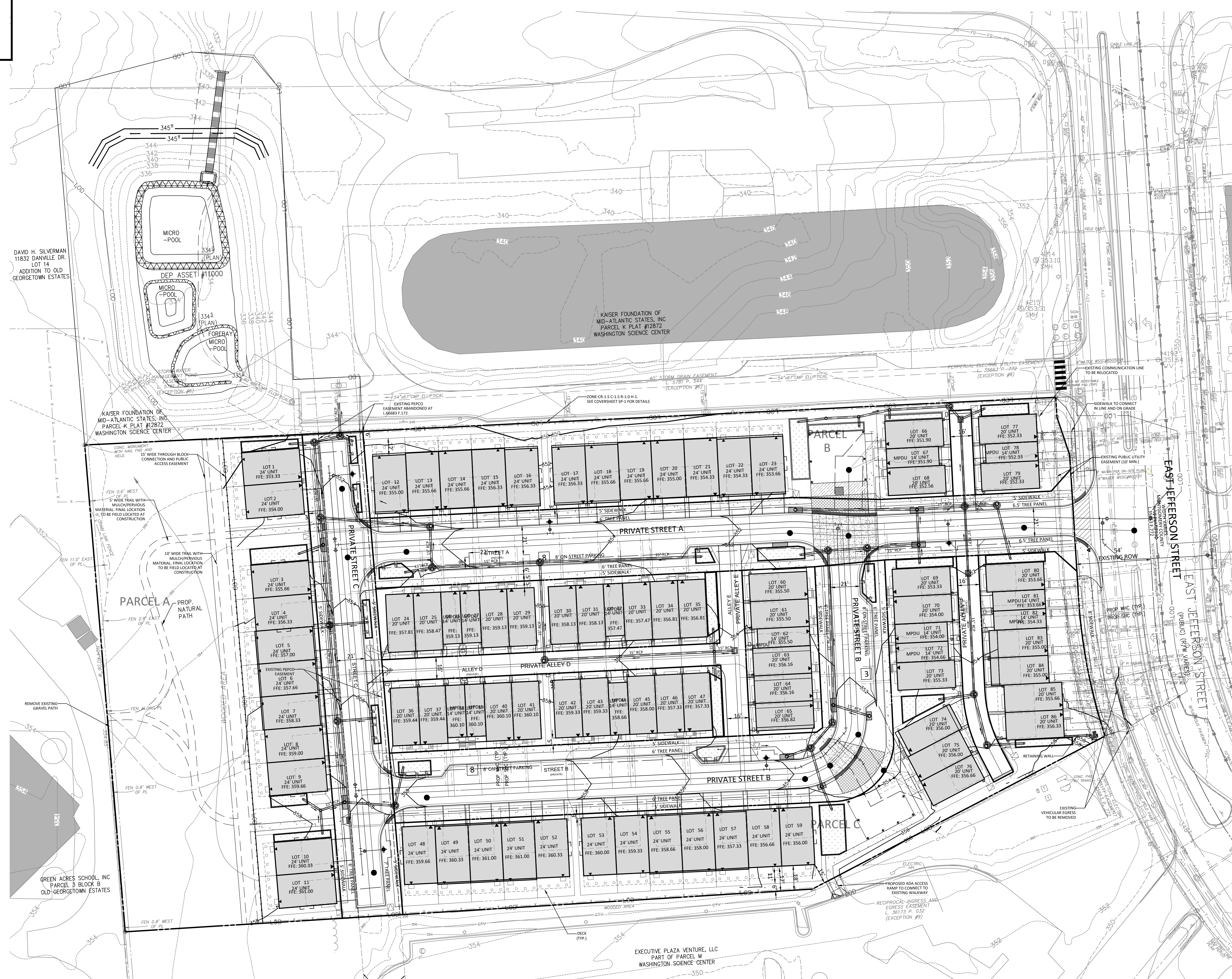
PREPARED FOR:  
**MISSING MIDDLE JEFFERSON LLC C/O WESTPATH REAL ESTATE GROUP**  
4909 CORDELL AVENUE  
BETHESDA, MD, 20814  
301-332-7417  
JAMES T. JERVEY  
jjervey@westpathre.com

ENGINEER / PLANNER:  
**VKA MARYLAND, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD 20874  
PH: 301.916.4100  
CONTACT: MICHAEL GOODMAN  
e-mail: goodman@vka.com

LANDSCAPE ARCHITECT:  
**VKA MARYLAND, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD 20874  
PH: 301.916.4100  
CONTACT: ESSA SOYUTAN  
e-mail: soyutan@vka.com

ATTORNEY:  
**LERCH, EARLY & BREWER, CHTD.**  
7600 WISCONSIN AVENUE  
SUITE 700  
BETHESDA, MD 20814  
301.841.3926  
CONTACT: ROBERT HARRIS  
e-mail: rharris@lercheary.com

TRAFFIC ENGINEER:  
**LENHART TRAFFIC CONSULTING, INC.**  
565 BALTIMORE ANNAPOLIS BLVD., SUITE 214  
SEVERNA PARK, MD 21146  
410.216.3333  
CONTACT: MICHAEL LENHART  
e-mail: mlenhart@lenharttraffic.com



DAVID H. SILVERMAN  
11832 DANVILLE DR.  
LOT 14  
ADDITION TO OLD GEORGETOWN ESTATES

KAISER FOUNDATION OF  
MID-ATLANTIC STATES, INC  
PARCEL K PLAT #12872  
WASHINGTON SCIENCE CENTER

KAISER FOUNDATION OF  
MID-ATLANTIC STATES, INC  
PARCEL K PLAT #12872  
WASHINGTON SCIENCE CENTER

GREEN ACRES SCHOOL, INC  
PARCEL 3 BLOCK 2  
OLD GEORGETOWN ESTATES

EXECUTIVE PLAZA VENTURE, LLC  
PART OF PARCEL M  
WASHINGTON SCIENCE CENTER

**NOTES:**

- PUBLIC SIDEWALK ON EAST JEFFERSON STREET ALONG SUBJECT PROPERTY'S FRONTAGE WILL COMPLY TO ADA STANDARDS.
- SIGN RS-3 TO BE INSTALLED AT SHARED USE PATH CROSSING OF PRIVATE STREET A.
- PAVEMENT MARKINGS AND SIGNAGE ON PUBLIC STREETS ON SITE PLAN ARE FOR REFERENCE ONLY AND WILL BE FINALIZED AT COUNTY RIGHT OF WAY PERMIT UNDER SIGNING AND MARKING PLAN.

"FOR LOCATION OF UTILITIES CALL 81-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.mississillity.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"

The acceptor must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The acceptor is responsible for compliance with requirements of Chapter 33A of the Montgomery County Code.

PLAN LEGEND	
— CTV — CTV — CTV —	PROPERTY LINES
— E — E — E — E —	EXISTING CABLE TELEVISION CONDUIT
— X — X — X — X —	EXISTING ELECTRICAL CONDUIT
— T — T — T — T —	EXISTING EDGE OF PAVEMENT
— O — O — O — O —	EXISTING FENCE LINE
— W — W — W — W —	EXISTING NATURAL GAS CONDUIT
— S — S — S — S —	EXISTING OVERHEAD WIRES
— D — D — D — D —	EXISTING TELEPHONE CONDUIT
— P — P — P — P —	EXISTING PUBLIC UTILITIES EASEMENTS
— M — M — M — M —	EXISTING SANITARY SEWER CONDUIT
— W — W — W — W —	EXISTING STORM DRAIN CONDUIT
— W — W — W — W —	EXISTING WATER CONDUIT
— Z — Z — Z — Z —	EXISTING ZONE LIMITS
— 520 —	PROPOSED 10' CONTOUR
— 524 —	PROPOSED 2' CONTOUR
— W — W — W — W —	PROPOSED WATER LINE
— S — S — S — S —	PROPOSED SANITARY SEWER WITH STRUCTURE
— D — D — D — D —	PROPOSED STORM DRAIN
— D — D — D — D —	PROPOSED LIMITS OF DISTURBANCE
— E — E — E — E —	PROPOSED STORM WATER EASEMENT
— E — E — E — E —	EXISTING PARKING LABEL
— E — E — E — E —	EXISTING SANITARY CLEANOUT
— E — E — E — E —	EXISTING ELECTRICAL MANHOLE
— E — E — E — E —	EXISTING ELECTRICAL JUNCTION BOX
— E — E — E — E —	EXISTING ELECTRICAL MANHOLE
— E — E — E — E —	EXISTING FIRE DEPARTMENT CONNECTION
— E — E — E — E —	EXISTING FIRE HYDRANT
— E — E — E — E —	EXISTING GAS MANHOLE
— E — E — E — E —	EXISTING GUY POLE
— E — E — E — E —	EXISTING GAS VALVE
— E — E — E — E —	EXISTING LIGHT POLE
— E — E — E — E —	EXISTING PHONE PEDESTAL
— E — E — E — E —	EXISTING PHONE MANHOLE
— E — E — E — E —	EXISTING UTILITY POLE
— E — E — E — E —	EXISTING SANITARY MANHOLE
— E — E — E — E —	EXISTING TRAFFIC CONTROL BOX
— E — E — E — E —	EXISTING TRAFFIC SIGNAL POLE
— E — E — E — E —	EXISTING TREE
— E — E — E — E —	EXISTING CABLE TELEVISION PEDESTAL
— E — E — E — E —	EXISTING UNKNOWN UTILITY MANHOLE
— E — E — E — E —	EXISTING WATER METER
— E — E — E — E —	EXISTING WATER MANHOLE
— E — E — E — E —	EXISTING WATER VALVE
— E — E — E — E —	EXISTING BOLLARD
— E — E — E — E —	EXISTING SIGN POST
— E — E — E — E —	EXISTING WOOD POST
— E — E — E — E —	EXISTING INLETS
— E — E — E — E —	EXISTING CURB INLET
— E — E — E — E —	EXISTING CONCRETE
— E — E — E — E —	EXISTING CURB AND GUTTER
— E — E — E — E —	EXISTING BUILDING
— E — E — E — E —	EXISTING STORY
— E — E — E — E —	EXISTING ELECTRICAL TRANSFORMER
— E — E — E — E —	EXISTING ASPHALT
— E — E — E — E —	EXISTING EASEMENT
— E — E — E — E —	EXISTING REINFORCED CONCRETE PIPE
— E — E — E — E —	EXISTING CORRUGATED METAL PIPE
— E — E — E — E —	EXISTING BUILDING RESTRICTION LINE
— E — E — E — E —	EXISTING RIGHT-OF-WAY
— E — E — E — E —	PROPOSED PARKING LABELS
— E — E — E — E —	PROPOSED HARDSCAPE
— E — E — E — E —	PROPOSED FIRE HYDRANT
— E — E — E — E —	DOOR LOCATION
— E — E — E — E —	PROPOSED SHAM FACILITY WITH CHEEK WALL AND CURB CUT
— E — E — E — E —	PROPOSED 4 STORY (MAX HEIGHT) UNIT

REVISIONS	DATE

**2115 EAST JEFFERSON 820230080**

7TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
WSSC GRID: 215NW06  
TAX MAP-G056

## SITE PLAN

PROFESSIONAL SEAL

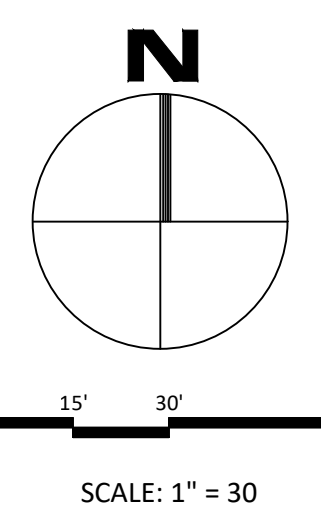
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MICHAEL B. GOODMAN LICENSE NO. 22221 EXPIRATION DATE: JULY 16, 2024.

**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE SITE PLAN APPROVAL NO. 820230080 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM, AND CERTIFIED SITE PLAN.

COMPANY: Missing Middle Jefferson LLC c/o Westpath Real Estate Group  
CONTACT PERSON: James Jervey  
ADDRESS: 4909 Cordell Avenue, Bethesda, MD 20814  
PHONE: 301.332.7417

DATE ISSUED: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
VKA PROJECT: VM50566C  
DRAWING NO: \_\_\_\_\_  
SHEET NO: **SP-3**



# Attachment B

## Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Date of Hearing: January 5, 2023

JAN 30 2023

### RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on August 2, 2022, Missing Middle Jefferson LLC (“Applicant”) filed an application for approval of a sketch plan to demolish the existing office building and parking lot to redevelop the property with 93 townhouse units (including 15% MPDUs). The overall density is 0.98 FAR for a total of 245,000 square feet of residential uses on 5.7 acres of CR-1.5, C-1.5, R-1.0, H-100 zoned land, located at East Jefferson Street 340 feet south of Josiah Henson Parkway (“Subject Property”) in the *2018 White Flint 2 Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320220110, 2115 East Jefferson Street (“Sketch 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 December 22, 2022, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on January 5, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Presley, seconded by Commissioner Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, Commissioners Branson, Hill, and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220110, 2115 East Jefferson Street, to demolish the existing office

---

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department



# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 2

building and parking lot to redevelop the property with 93 townhouse units (including 15% MPDUs). The overall density is 0.98 FAR for a total of 245,000 square feet of residential uses on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. **Binding Elements.** The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

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 are illustrative.

B. **Conditions.** This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 245,000 square feet of total residential development. The maximum number and distribution of residential townhouses will be determined at Preliminary and Site Plan.

2. **Height**

The development is limited to a maximum average building height of 55 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefits 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 Site Plan approval.

---

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

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 3

- a) Major Public Facility, achieved through appropriate contribution to a school or park facility, based on the number of points being allocated.
- b) Transit Proximity, achieved through the Property's location within ½ to 1 mile of the White Flint Metro Station (level 1).
- c) Public Parking, achieved through providing public parking spaces within the development.
- d) Through-Block Connection, achieved by providing pathways for pedestrians within the development.
- e) Diversity of Uses and Activities, achieved by providing 15% of the residential units as MPDUs.
- f) Quality Building and Site Design, achieved by providing Public Open Space in excess of the minimum open space requirement of the zone.
- g) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations (BLTs).

#### 4. **Public Open Space**

The Applicant must provide a minimum of 5% of the Site Area (239,218 square feet) as Public Open Space, totaling 11,961 square feet.

#### 5. **Future Coordination for the Preliminary Plan and Site Plan**

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- b) Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
- c) Any future Preliminary/Site Plan application must include a Noise Analysis.
- d) The Applicant must satisfy Recreation Guidelines.
- e) The Applicant must make the appropriate contribution to a school or park facility.
- f) If the major public facility is determined to be for Montgomery County Parks, it should consider the inclusion of a pedestrian-bike path bridge connection to Luxmanor Local Park and Luxmanor Elementary School.
- g) Final determination of Private Roads will be confirmed by Montgomery County Department of Transportation (MCDOT) and Planning Staff.

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 4

## 6. Validity

A site plan must be submitted within 60 months after the date this resolution is sent.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified below), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Application meets the standards of the CR zone as follows:

*Table 1: 2115 East Jefferson Street Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	N/A	248,765 sq ft
<b>Prior Dedication</b>	N/A	9,547
<b>Proposed Dedication</b>	N/A	0
<b>Site Area</b>	N/A	239,218 sq ft
<b>Mapped Density</b>		
<b>CR-1.5 C-1.5, R-1.0, H-100</b>		
<b>Commercial (GFA/ FAR)</b>	373,148 sq ft/ 1.5	0
<b>Residential (GFA/ FAR)</b>	248,765 sq ft/ 1.0	245,000 sq ft/0.98

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 5

<b>Total Mapped Density (GFA/FAR)</b>	373,148 sq ft/ 1.5	245,000 sq ft/0.98
<b>MPDU requirement</b>	15%	15% (14 units)
<b>Building Height, max average</b>	100 ft.	55 ft.
<b>Public Open Space (min s.f.)</b>	11,961	47,000

***a) Implement the recommendations of applicable master plans (59.4.5.1.A)***

**Sector Plan Recommendations**

The 2115 E. Jefferson Street property is located in the Executive Boulevard South area in the Executive Boulevard district in the 2018 *White Flint 2 Sector Plan* (Sector Plan or Plan). The Sector Plan and subsequent Sectional Map Amendment rezoned this Property to the CR-1.5 C-.5 R-1-.0 H-100 Zone with a recommendation to: “promote infill development, provide new public benefits that advance the Sector Plan recommendations, and to provide a transition to the existing Luxmanor residential community” (p.35).

The retention of Old Farm-Neilwood Creek and a large, wooded area along several properties are key Executive Boulevard South area recommendations. The Sector Plan states that the Old Farm-Neilwood Creek,

*exists within an a 100-foot easement that contains approximately 14 acres of existing forested areas and defines the southern edge of this area. The western edge of this area is defined by another large, wooded area that was required by the setback requirement in the prior I-3 Zone. This Plan recommends the retention of southern and western forested areas to contribute to the Plan’s environmental and tree canopy goals, and to establish a wooded buffer and facilitate a compatible relationship with the existing Luxmanor residential community (p.34).*

The Sector Plan also recommends the following for Executive Boulevard South:

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 6

- A pedestrian-bike path adjacent to the existing southern and western forested areas with potential linkages to the Luxmanor Local Park and to Executive Boulevard to the north. This path will create a new amenity for this area and visually extend the proposed Main/Market Street (now Banneker Street) pedestrian promenade, which is east of Old Georgetown Road (p.34).
- New development in this area should step down in height to be compatible with the Luxmanor residential community (p.34).

## Sector Plan Compliance

### *Density and Building Height*

Building heights up to 100 feet are recommended, and residential only density up to 1.0 FAR is allowed by the CR Zone for this site. The proposed development's residential density at 0.98 FAR and building heights at 55 feet are consistent with the Sector Plan's recommendations.

### *Design and connectivity*

The Sector Plan's design and connectivity recommendations, which are applicable for this Executive Boulevard South property are the following:

- Locate maximum building heights along Executive Boulevard and away from the adjacent single-family residential community.
- Establish a pattern of short blocks and internal streets to promote walkability.
- Create a pedestrian-bike path along the northern edge of the Old-Farm Neilwood Creek area with potential mid-block connections to Luxmanor Local Park to the south and Executive Boulevard to the north (p.35).

The submitted Sketch Plan achieves many of the recommended design and connectivity provisions, including short blocks for the residential units and internal streets that service the townhouses. The rear-loaded design for most of the townhouses contributes to a better circulation system for the development.

### *Affordable Housing*

The Sector Plan 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

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 7

school site or athletic fields that can be used by MCPS and approximate the size of a local park (p.59). The Property is also within an area where 15 percent of MPDUs are required. The development is proposing 15 percent MPDUs for the development; therefore, it is consistent with the Sector Plan recommendations for affordable housing.

## *Public Facilities*

The 2018 Sector Plan recommends that “*each and every* development application should be thoroughly evaluated for a potential school site, notwithstanding any previous development approvals. It is this Plan’s direction that the Planning Department will negotiate for maximum dedication of land for a school site and that this be the top priority benefit under the review process of projects proceeding under these plans” (p.96).

This Sketch Plan will satisfy this recommendation by providing a financial contribution towards the construction of a school or park. Final details will be determined at Site Plan.

*The provision of major public facilities other than school site, include but not limited to: land for school athletic fields; new neighborhood parks and open spaces; public transportation (new Metro Station entrance); and undergrounding of utilities (p.104).*

If it is determined to be a Parks contribution, the potential future offsite connection via a stream crossing bridge to Luxmanor Local Park and Luxmanor Elementary School should be prioritized if the cooperation of the property owner separating the site from Luxmanor Local Park to the north can be secured.

## *Public Open Space*

The proposed open spaces, included the retained wooded area, further achieve the Sector Plan recommendations by establishing the green buffer and connections to adjacent properties. The Sector Plan does not recommend a specific type of public open space, such as neighborhood green, for this Property.

## *Environmental Sustainability*

The Sector Plan provides specific sustainability recommendations for the Executive Boulevard area, including preservation of the existing wooded areas (p.67). The Plan also states that the Executive Boulevard area “could transform through infill development or redevelopment into a lushly planted, sustainable office park, if green

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 8

neighborhood design principles and best practices can be introduced and coordinated between adjacent landowners” (p.67).

The Sector Plan also provides overall environmental sustainability recommendations, including preserving natural resources, improving water and air quality, and reducing carbon emissions.

Important natural resources recommendations are to:

- Incorporate multiple layers of native vegetation in landscaping, including plants that are highly attractive to pollinators, to provide food sources for declining populations of native pollinator species
- Direct infill development to existing surface parking lots to preserve green spaces (p.62)

Important water quality recommendations are to:

- Promote the use of environmental site design (ESD) techniques to reduce impervious areas (p.63)

Significant air quality recommendations are to:

- Increase forest and tree cover
- Incorporate building design features that keep roofs cool, such as green roofs or cool roofs
- Promote site and building design for energy conservation (p.64)

The retention of the western wooded area and redeveloping on existing impervious areas are important sustainability recommendations included with the proposed development. Additionally, the development is 0.8 miles from the North Bethesda (formerly White Flint) and Twinbrook Metrorail Station entrances. Also, the future Preliminary FCP and Final FCP will provide more compliance to the protection of environmental features for the site.

*The Sector Plan’s recommended public benefits are the following:*

- Dedication of land for needed school sites as the highest priority public benefits.
- Fifteen (15) percent MPDUs as the highest public benefit for 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.

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 9

- The provision of major public facilities other than school site, including but not limited to: land for school athletic fields; new neighborhood parks and open spaces; public transportation (new Metro Station entrance); and undergrounding of utilities.
- Quality building and site design, including but not limited to, exceptional design and public open space.
- Connectivity and mobility, including but not limited to advanced dedication, streetscape improvement, minimum parking, trip mitigation and transit access improvement.
- Diversity of uses and activities, including but not limited to care centers, moderately priced dwelling units, dwelling unit mix, and enhanced accessibility for seniors or the disabled.
- Protection and enhancement of the natural environment, including but not limited to, tree canopy, energy conservation and generation, and habitat preservation and restoration (p.104).

This Application supports the top priority Sector Plan public benefit goals by including a proportional financial contribution towards a school or park, and providing neighborhood open spaces, 15% MPDUs, exceptional design and a portion of the trail envisioned in the Sector Plan.

The Sketch Plan as proposed meets the recommendations for the 2018 *White Flint 2 Sector Plan*.

***b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.***

The Project provides an opportunity to redevelop this site and to help transform the Executive Boulevard area from a declining office park with one primary use and large surface parking lots, to the mix of uses called for in the Sector Plan. The new residential development will be within walking distance of various transit options, will connect with the existing employment base in the area and will take advantage of the mixed-use core created at Pike and Rose.

***c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.***



# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 10

The Project provides desirable housing, including 15% MPDUs, that is accessible to two Metrorail stations.

***d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.***

The Property is located on the edge of the *White Flint 2 Sector Plan* area. The residential development will be compatible with residential development to the west and will remove the current vacant office building and surface parking lot. The project will provide 0.98 FAR of residential use for projected total of 93 units with a maximum height of 55 feet, with the final design to be determined at site plan. The development will provide frontage on East Jefferson to create a new street edge and provide a rear green buffer with activation opportunities.

***e) Integrate an appropriate balance of employment and housing opportunities.***

The Property is located in close proximity to various commercial office and retail uses. At the same time, the area has very few townhomes and stacked townhome units. This residential development provides a different housing option near the retail and commercial areas of North Bethesda.

***f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.***

The Project as proposed will exceed the required 100 (proposed 176.81) public benefit points from a minimum of 4 (proposed 6) categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be made at the time of Site Plan.

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

The Project's conformance with the goals and objectives of the Sector Plan is discussed above. This is based primarily upon the addition of housing to an area that, today, is exclusively office in nature and doing so in a transit proximate location.

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

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 11

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

***4. Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;***

The zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

The Project achieves this compatibility through its residential use in a mixed-use area, its height (lower than the existing development on the Property and lower than other neighboring properties), its generous open space and green area and its bicycle/pedestrian system.

***6. Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;***

The Project will improve pedestrian circulation in the area both through an internal private pathway system and public improvements along East Jefferson Street. All vehicular access will be provided by a single access point on East Jefferson Street. The final alignment and dimensions of the access will be determined at the time of Preliminary Plan. Vehicular parking will be located within individual garages internal to the proposed townhouses, with the exception of 12 spaces that will be provided on-street. Pedestrian and bicycle access will be improved by providing six-foot sidewalks with six-foot landscape buffers along the internal private streets, and also by providing pedestrian connections to the Green Acres School to the west and providing a north-south, natural surface bike and pedestrian trail along the property's western forested area.

## Private Road Justification

This is a small community, consisting entirely of townhomes. Private roads best accommodate the project design and Applicant has worked with Planning Staff, MCDOT, Fire & Rescue and others to achieve an appropriate site design.

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 12

Further, private roads are justified here because there is a major PEPCO easement running through the property that does not allow public roads to run coincident with it. In addition, the Applicant's coordinated site design effort with Planning Staff resulted in a centerline road curvature of 40 feet, which is less than County Standard. Another non-standard design element was proposed to both maintain a compact form of development here while meeting fire access requirements, the Applicant anticipates some intersection corners within the project will require mountable curbs (subject to further design refinement at site plan). For these reasons, the Board finds that adequate justification for private roads, as proposed in this Application.

***7. 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 Sector 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 3 categories because the project is providing 15% MPDUs per section 4.7.3.D.6.e. The Applicant proposes to exceed the 100-point requirement utilizing 6 categories. Although at the time of Sketch Plan review, only an outline of public benefits needs to be approved, the following table shows both the categories and proposed 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*

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Proposed</b>
<b>Major Public Facilities</b>	70	15
<b>Transit Proximity</b>	70	20
<b>Connectivity and Mobility</b>		
Public Parking	25	11.5
Through-Block Connections	20	8
<b>Diversity of Uses and Activities</b>		

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 13

Moderately Price Dwelling Units	N/A	105
<b>Quality Building and Site Design</b>		
Public Open Space	20	14.65
<b>Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	2.66
<b>Total Points</b>		<b>176.81</b>

## Major Public Facility

### School and Park Contribution

The Applicant requests up to **15 points** for making a proportional financial contribution towards a school or a park within the Sector Plan area. The final determination of contributions and points will be determined at Site Plan. It is highly recommended the contribution to Montgomery Parks consider the inclusion of a north-south pedestrian-bike path and a connection to Luxmanor Local Park and Luxmanor Elementary School which may require a pedestrian bridge in certain locations. The Planning Board supports the category at this time.

### Transit Proximity

The entire Property is located between ½ and 1-mile from the White Flint Metrorail (Level 1) Station. The Planning Board supports the **20-point** request based on the Property's proximity to a Level 1 transit stop.

### Connectivity and Mobility

#### Public Parking

The Project is planning to provide up to the maximum number of parking spaces allowed in the zone as public parking. The Planning Board supports the category based on the following calculation:

*Formula:  $[P/(T-R)]*25$*

P (public spaces provided)

T (total spaces provided)

R (minimum required spaces)

$[12 \text{ (public spaces provided)} / (198 \text{ (total spaces provided)} - 172 \text{ (minimum required spaces)})] * 25 = 11.5 \text{ points}$

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 14

## Through-Block Connection

The Project provides permanent pedestrian paths within the development. The access allows for the creation of greenway within the site and future connections to adjacent properties. The Planning Board supports the category and the requested 8 points.

## **Diversity of Uses and Activities**

### Moderately Priced Dwelling Units

The Applicant is requesting points for providing 15 percent MPDUs, one of the highest priority 2018 *White Flint 2 Sector Plan* goals. The project will provide 15 percent MPDUs. 12 points are allowed for every percentage point over 12.5 percent MPDUs. The Planning Board supports the category based on the following calculation:

*Formula: (P-R)\*12 + W\*2+T\*5*

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2 bedroom MPDUs provided, not otherwise required)

T (percentage 3 bedroom MPDUs provided)

$(15 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) * 12 + 0$   
 $(\text{percentage of 2 bedroom MPDUs not required}) * 2 + 15 \text{ (percentage of 3 bedroom MPDUs)} * 5 = 105 \text{ points}^2$

## **Quality of Building and Site Design**

### Public Open Space

The Project will provide Public Open Space in excess of the minimum (11,961 sq. ft.) open space requirement of the zone for total of 47,000 sq. ft. This includes the forest conservation area/greenway recommended in the Sector Plan. The Planning Board supports the category based on the following calculation:

*Formula: (P/N)\*100*

P (public open space)

N (net lot area)

$(35,098(\text{excess public open space}) / 239,218(\text{net lot area})) * 100 = 14.65 \text{ points}$

---

<sup>2</sup> This calculation was determined appropriate based on this townhouse development. A different calculation could be interpretation to provide more incentive to multi-family project to provide 3-bedroom MPDUs.

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 15

## Protection and Enhancement of the Natural Environment

### *Building Lot Termination (BLT)*

The Applicant requests points permitted for the purchase of approximately 0.03 BLT. The Planning Board supports the category based on the following calculation:

$(7.5\% \text{ of } 124,382.5 \text{ (incentive density gross floor area)}) / 31,500 * 9 = 2.66 \text{ points}$

***8. 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 Sketch Plan is not proposing a phasing plan.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the 2018 *White Flint 2 Sector Plan*, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 2115 East Jefferson Street Sketch Plan No. 320220110 received by M-NCPPC as of the date of the Staff Report December 22, 2022, are required, except as modified by the above conditions of approval; and

# Attachment B

MCPB No. 23-002  
Sketch Plan No. 320220110  
2115 East Jefferson Street  
Page 16

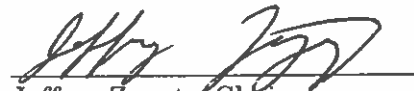
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 30 2023 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal 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 the motion of Commissioner Presley, seconded by Commissioner Branson, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, and Commissioners Branson, Hill, and Piñero, voting in favor of the motion, at its regular meeting held on Thursday, January 26, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair  
Montgomery County Planning Board

# Attachment B

Robert Tilson  
20251 Century Boulevard  
Suite 400  
Germantown Maryland  
20874

Pete Jervey  
4909 Cordell Avenue, 2nd Floor  
Bethesda  
Maryland 20814

Bob Harris  
7600 Wisconsin Avenue, STE 700  
Bethesda, MD 20814

Mike Goodman  
20251 Century Blvd  
Germantown, MD



# Attachment C



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Scott Bruton  
*Director*

September 11, 2023

Mr. Troy Leftwich  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 2115 East Jefferson  
Site Plan # 820230080

Dear Mr. Leftwich:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval for the 86 total units including 13 (15.11%) MPDUs in Rockville, Maryland.

An Agreement to Build must be submitted to, reviewed, and executed by DHCA before building permits are obtained from the Department of Permitting Services (DPS). The final MPDU locations, layouts and bedroom mix will need to be approved by DHCA at the MPDU Agreement to Build stage.

Sincerely,

Maggie Gallagher, Program Manager I  
Affordable Housing Programs Section

*Affordable Housing*

**Division of Housing**  
*Landlord Tenant Affairs*

*Multifamily Housing*

---

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



240-773-3556 TTY

# Attachment C



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher Conklin  
*Director*

September 6, 2023

Mr. Richard Brockmyer, Planner III  
Midcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive  
Wheaton, MD 20902

RE: Preliminary Plan No. 120230100  
2115 East Jefferson Street

Dear Mr. Brockmyer:

We have completed our review of the preliminary plan uploaded to eplans on August 18, 2023. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on June 20, 2023. We recommend approval of the plans subject to the following comments:

### Significant Plan Review Comments

1. The proposal for private streets, as shown on the preliminary plan uploaded to eplans on August 18, 2023, and documented in the April 2023 Statement of Justification, is acceptable to DOT. The proposed private streets are not in the master plan and are not needed for general circulation. We support Planning Board approval of the private streets subject to execution and recordation of a Declaration of Restrictive Covenants (for private roads). The deed reference for this document is to be identified on the record plat.
2. The applicant will be required to provide an eight-foot (8') wide, concrete sidewalk with a seven-foot (7') wide buffer from traffic along the site's East Jefferson Street frontage.
3. On the Certified Preliminary Plan, update the cross sections on Sheet PP-1 to show 21' paving sections for the private streets.
4. The applicant will be required to upgrade the existing RideOn bus stop along their East Jefferson Street Frontage with a 7'x22' concrete pad, a 5'x12' shelter, a 6' bench and electrical conduit. On the certified preliminary plan, show the bus stop improvements with a minimum 5' wide level boarding area connecting from the curb to the sidewalk with another minimum 5' wide level area for the rear door of the buses. Grade should be no more than 2% from the sidewalk to the curb. Please coordinate with Mr. Wayne Miller of our Division of Transit Services to coordinate bus improvements.

### **Office of the Director**

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

# Attachment C

Mr. Richard Brockmyer  
Preliminary Plan No. 120230100  
September 6, 2023  
Page 2

Mr. Miller may be contacted at 240 777-5836 or at [Wayne.Miller2@montgomerycountymd.gov](mailto:Wayne.Miller2@montgomerycountymd.gov).

## Standard Plan Review Comments

5. 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 in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
6. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream County storm drain system for this plan.
7. The sight distance study has been accepted. A copy of the Sight Distance Evaluation certification form is included with this letter.
8. Design all vehicular access points to be at-grade with sidewalk, dropping down to street level between the sidewalk and roadway.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. In all underground utility installations, install identification tape or other "toning" device approximately two feet above the utility.
12. If the proposed development will alter any existing streetlights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
14. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Curb, gutter, storm drain, sidewalk, handicap ramps, street trees and bus shelter improvements along East Jefferson Street.
  - b. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.

# Attachment C

Mr. Richard Brockmyer  
Preliminary Plan No. 120230100  
September 6, 2023  
Page 3

- c. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) 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 Department of Permitting Services (DPS) 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 MCDPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

*William Whelan*

William Whelan  
Development Review Team  
Office of Transportation Policy

[SharePoint/transportation/directors office/development review/WhelanW/120230100 2115 East Jefferson - MCDOT letter 090623.docx](#)

Enclosures (1)

Sight Distance Certifications

cc: Correspondence folder FY 2024

cc-e:	Michael Goodman	VIKA
	Ian Duke	VIKA
	Chris Van Alstyne	MNCP&PC
	Stephanie Dickel	MNCP&PC
	Troy Leftwich	MNCP&PC
	Mark Terry	MCDOT DTEO
	Wayne Miller	MCDOT DTS
	Sam Farhadi	MCDPS RWPR

# Attachment C

DPS-ROW CONDITIONS OF APPROVAL

July 28, 2023

## 820230080 2115 East Jefferson

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-SITE-820230080-SP-3.pdf V5”** uploaded on/ dated **“7/26/2023”** and

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

1. Ensure of the minimum curb radii for the access point that will accommodate the site traffic.
2. Ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made.
3. Ensure positive drainage toward ROW.
4. Correct PUE reference along the site frontage.
5. On landscaping plan, provide street trees per approved tree species list at the required spacing and clearances.

And the following needs to be a condition of the certified site plan:

1. Private streets to be built to the corresponding public road classification standards per County Code 50.4.3.E.4.c.

# Attachment C



---

---

Department of Permitting Services  
Fire Department Access and Water Supply Comments

---

---

**DATE:** 06-Sep-23  
**TO:** Michael Goodman  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** 2115 East Jefferson  
820230080

---

## PLAN APPROVED

1. Review based only upon information contained on the plan submitted **05-Sep-23** .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.

# Attachment C



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

September 5, 2023

Mr. William Robinson, PE  
VIKA Maryland, LLC  
20251 Century Boulevard  
Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
2115 E. Jefferson Street  
Preliminary Plan #: 120230100  
Site Plan #: 820230080  
SM File #: 289419  
Tract Size: 5.49 Acres/239,218 sq.ft.  
Zone: CR-1.5,C1.5,R1.0,H100  
Total Concept Area: 5.06 Acres/220,467 sq.ft.  
Parcel: L  
Watershed/Class: Cabin John Creek/I  
Type of Development: Redevelopment

Dear Mr. Robinson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenion planter boxes and an offsite pond retrofit with micro-pools and extended detention to meet remaining ESD requirements.

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.
4. This concept is proposing the use of micro-pools in an existing pond to meet Chapter 3 criteria. At the final design stage, the proposed pond retrofit will need to be submitted to the Montgomery County Soil Conservation District (MCSD) for review and approval. It will be required to meet current state criteria for MD-378 ponds, including a Dam Breach analysis. Safe conveyance of the 10-year storm will need to be demonstrated through the pond outfall pipe.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

# Attachment C

*Mr. William Robinson, PE*  
*September 5, 2023*  
*Page 2 of 2*

5. An offsite letter of permission is needed for access to and construction of the pond retrofit prior to final plan approval. The existing agreement was written for maintenance of the pond in its current condition.
6. Provide a copy of the DOT approval letter at the final design stage regarding the adequacy of the downstream public storm drain. DPS right-of-way approval is required for the connections to the downstream public storm drain at the final design stage.

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 not 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 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 Sherry Mitchell at 240-777-5206 or [sherryl.mitchell@montgomerycountymd.gov](mailto:sherryl.mitchell@montgomerycountymd.gov).

Sincerely,

*Mark Etheridge*

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

cc: Neil Braunstein  
SM File # 289419

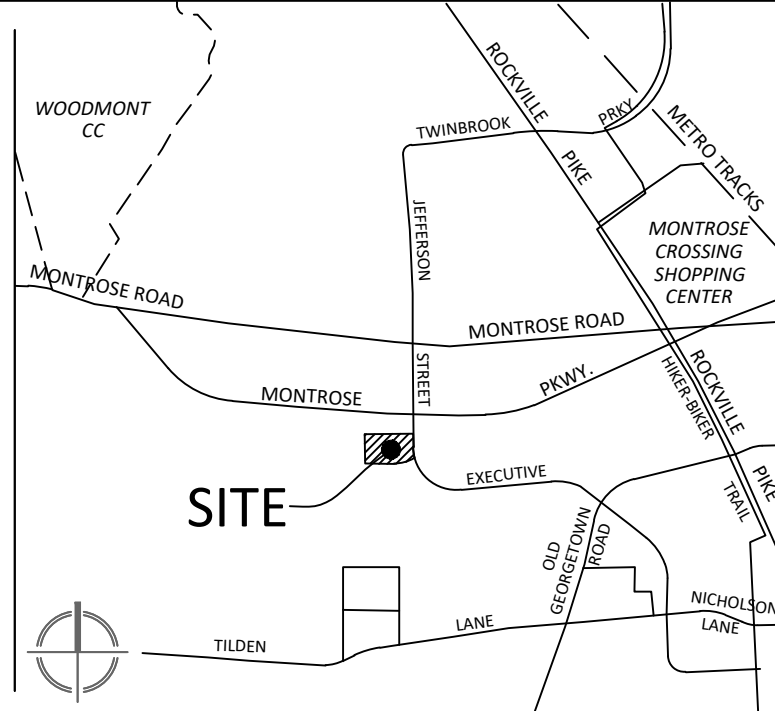
ESD: Required/Provided 24,937 cf / 12,783 cf  
PE: Target/Achieved: 1.90"/0.97"  
STRUCTURAL: 12,493 cf  
WAIVED: N/A cf.





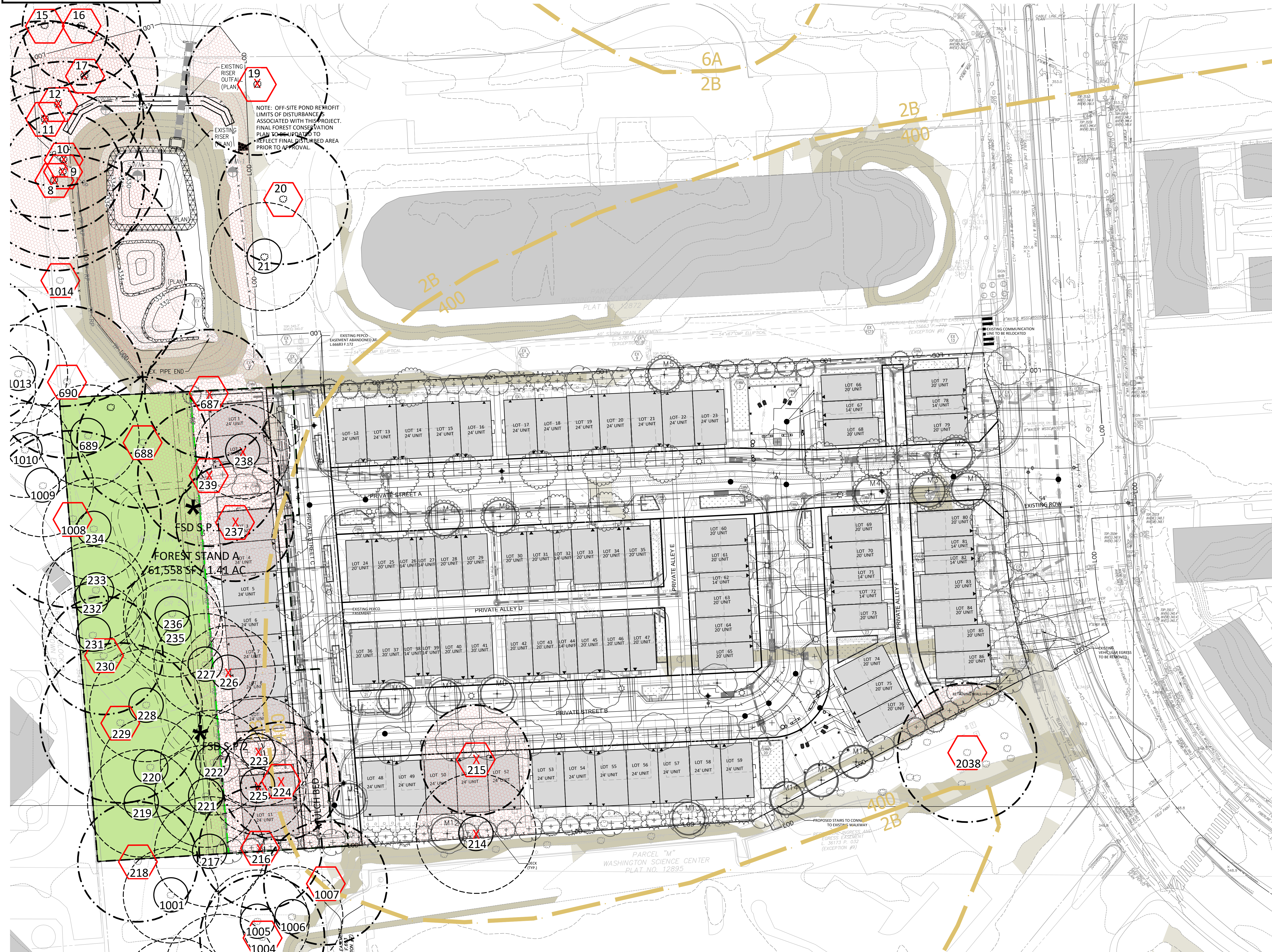
# Attachment D

E-FILE STAMP



**VKA**  
**VKA MARYLAND, LLC**  
 20251 Century Blvd., Suite 400  
 Germantown, MD 20874  
 301.916.4100 | vka.com  
 Our Site Set on the Future.

PREPARED FOR:  
**MISSING MIDDLE JEFFERSON LLC C/O WESTPATH REAL ESTATE GROUP**  
 4909 CORDELL AVENUE  
 BETHESDA, MD, 20814  
 301-332-741  
 JAMES T. JERVEY  
 PJERVEY@WESTPATHRE.COM



**PLAN LEGEND**

- 100' OFFSET ADJACENT PROPERTY/LOT LINES
- EX. 10' CONTOUR
- EX. 2' CONTOUR
- PROPOSED 10' CONTOUR
- PROPOSED 2' CONTOUR
- EXISTING CURB & GUTTER LIMITS OF DISTURBANCE
- PROPOSED SIDEWALK
- PROPOSED SEWER
- PROPOSED WATER
- PROPOSED STORM DRAIN
- PROPOSED BIORETENTION
- SLOPES < 25%
- SLOPES 15-25% ON HIGHLY ERODIBLE SOILS
- FOREST PRESERVATION
- 100 YEAR FLOODPLAIN
- 100 YEAR FLOODPLAIN 25' BR/Stream Valley Buffer
- SOILS
- ROOT PRUNING TRENCH
- TREE PROTECTION AND ROOT PRUNING FENCE
- FOREST STAND BOUNDARY
- EXISTING TREE CANOPY (NOT FOREST)
- EXISTING TREE < 24' DBH TO BE REMOVED
- EXISTING SIGNIFICANT TREE 24-29' DBH W/CRZ SHOWN
- EXISTING SPECIMEN TREE 30' OR GREATER DBH W/CRZ SHOWN
- EXISTING SPECIMEN TREE W/CRZ IMPACT SHOWN FOR WHICH A TREE VARIANCE REQUEST TO IMPACT OR REMOVE THE TREE HAS BEEN SUBMITTED
- PROPOSED NATIVE SHADE TREE AS MITIGATION FOR REMOVED SPECIMEN TREES; SEE LANDSCAPE PLAN FOR DETAILS
- SEC SUPER SILT FENCE
- SEC AT-GRADE & CURB INLET PROTECTION OVER EXISTING INLET
- SEC STABILIZED CONSTRUCTION ENTRANCE
- PROPOSED SEC SEDIMENT TRAP AREA
- PROPOSED SEC EARTH DIKE
- SEC TEMPORARY PORTABLE SEDIMENT TANK
- SEC TEMPORARY STOCKPILE AREA (SYMBOL REPRESENTS A MOUND - COULD REPRESENT OTHER THAN STOCKPILE AREA)

ENGINEER / PLANNER / LANDSCAPE ARCHITECT:  
**VKA MARYLAND, LLC**  
 20251 CENTURY BOULEVARD SUITE 400  
 GERMANTOWN, MD 20874  
 PH: 301.916.4100  
 CONTACT: MICHAEL GOODMAN  
 e-mail: Goodman@vka.com

ATTORNEY:  
**LERCH, EARLY & BREWER, CHTD.**  
 7600 WISCONSIN AVENUE SUITE 700  
 BETHESDA, MD 20814  
 301.841.3826  
 CONTACT: ROBERT HARRIS  
 e-mail: rharris@lercheary.com

REVISIONS	DATE

**2115 EAST JEFFERSON F20230220**  
 7TH ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 WSSC GRID: 215NW06  
 TAX MAP-GQ56

**DETAILED FINAL FOREST CONSERVATION PLAN F20230220**



I HEREBY CERTIFY THAT THESE DOCUMENTS AND DRAWINGS ARE MY OWN WORK AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MICHAEL R. GOODMAN LICENSE NO. 27722 EXPIRATION DATE: JULY 16, 2024

THE INFORMATION, DESIGN AND CONTENT OF THESE DRAWINGS OR DOCUMENTS ARE PROPRIETARY TO VKA MARYLAND, LLC AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR COPIES, DIGITALLY CONVERTED, MODIFIED OR USED FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT WRITTEN AUTHORIZATION FROM VKA MARYLAND, LLC, VIOLATE FEDERAL AND STATE PROTECTION LAWS. APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS MAY BE UTILIZED FOR CONSTRUCTION PURPOSES.

© 2023 VKA MARYLAND, LLC  
 DRAWN BY: \_\_\_\_\_  
 DESIGNED BY: \_\_\_\_\_  
 DATE ISSUED: \_\_\_\_\_  
 VKA PROJECT: **VM50566C**  
 DRAWING NO: \_\_\_\_\_  
 SHEET NO: **FFCP-002**

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.msoutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"  
 The acceptor must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The acceptor is responsible for compliance with requirements of Chapter 33A of the Montgomery County Code.

# Attachment E

**VIKA Maryland, LLC**  
20251 Century Blvd.  
Suite 400  
Germantown, MD 20874  
301.916.4100  
[vika.com](http://vika.com)

September 6, 2023

M-NCPPC  
Planning Commission  
2425 Reedie Drive, 14th Floor  
Wheaton, MD 20902

**RE: Forest Conservation Tree Variance Request**  
**2115 East Jefferson**  
**NRI #420222110**  
**Sketch Plan #320220110**  
**Site Plan#820230080**  
**FCP #F20230220**  
**VIKA # VM50566C**

Dear Ms. Lindsey:

On behalf of Missing Middle Jefferson, LLC (The Applicant), we submit this Tree Variance Request for staff approval Request to comply with the Department of Natural Resources, Title 5, Section 5-1607(c)(2) of the Maryland Code. This section requires the Applicant to request a variance under Section 5-1611 for impacts or removals of the following trees, shrubs, plants, and specific areas considered priority for retention and protection if a project did not receive Preliminary Forest Conservation Approval before October 1, 2009:

- (i) Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or the Department.
- (ii) Trees that are part of a historic site or associated with a historic structure or designated by the Department or local authority as a national, State, or local Champion Tree; and
- (iii) Trees having a diameter measured at 4.5 feet above the ground of:
  - 1. 30 inches; or
  - 2. 75% of the diameter, measured at 4.5 feet above the ground, of the current State Champion Tree of that species as designated by the Department.

This variance request supplements an application for a Final Forest Conservation Plan to demolish the existing, vacant office building and parking lot and redevelop the Property with 86 townhomes which also includes retrofitting an existing offsite stormwater management facility on the adjacent property. The existing property takes up a lot of space with imperviable parking lot surface and a vacant office building. The selected location has potential to better serve future residences by being adjacent to the employment center along Executive Boulevard and East Jefferson Street, having a short trip to commercial businesses found at Pike and Rose, and being served by multiple modes of transportation. The Applicant has worked closely with Staff to agree on the location and design of the area while trying to protect as many of the existing trees as possible. Staff understood that there would be some impacts and the necessary documentation would need to be provided.



# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

2

We are submitting this variance request on behalf of the Applicant in the above-referenced Preliminary Plan and Site Plan application (the "Application" or "Preliminary Plan" "Site Plan"). Pursuant to Section 22A-21(b) of the Montgomery County Code (the "Forest Conservation Law"), we are requesting approval of a variance from the provisions of the Maryland Annotated Code, Natural Resources Article, Section 5-1607(c)(2)(iii).

This variance request is submitted for concurrent review with the Preliminary Plan and Site Plan, in conjunction with the Final Forest Conservation Plans ("FCP") for the Project. A Natural Resources Inventory Plan (NRI) for the Project was submitted and subsequently approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) on June 27th, 2022 (NRI #420222110). The location and existing condition of the Specimen Trees are shown on the approved NRI. Details regarding the proposed impacts to these specimen trees are included below in "Exhibit A."

## **Variance Request**

As explained more fully below, retention of the Specimen Trees proposed to be removed or disturbed would result in undue hardship to the Applicant. The existing site constraints and the nature of the proposed improvements justify granting of the variance pursuant to Section 22A-21(b) of the Code because the granting of the variance (i) will not confer a special privilege on the Applicant that would be denied to others; (ii) is not based on conditions or circumstances which result from the action of the Applicant; (iii) is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property; and (iv) will not violate State water quality standards or cause measurable degradation in water quality.

Pursuant to Section 22A-21(b) of the Forest Conservation Law, the Variance request must provide the following:

- 1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;**
- 2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**
- 3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and**
- 4. Provide any other information appropriate to support the request.**

The Applicant provides the following to address the above criteria and in support of the variance request:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*



# Attachment E

The Subject Property is located just inside the White Flint Sector Plan, an urbanized area of Montgomery County. The Subject Property currently is improved with a 6 story office building with expansive surface parking. The Subject Property is located within approximately 1 mile of the North Bethesda Metro Station and less than 2 miles from the Twinbrook Metro Station. The Property's location presents an opportunity to improve the relationship between the Pike and Rose's more intensive uses and the residential properties that are located around the commercial residential district. As such, the Subject Property provides an excellent opportunity for redevelopment that responds to the Property's location as a transitional site, at a density reflective of its location within the White Flint Sector Plan and within walking distance of various transit options. The Project will further several important County policies, such as affordable housing and stormwater management. The Project provides an important opportunity to develop desired affordable housing in close proximity to transit. The multi-family residential component of the Project will comprise 100% affordable units and the for-sale townhouse component of the Project will include up to four (4) workforce housing units ("WFHUs"). Additionally, as discussed further below, the Project provides an important opportunity to provide stormwater management treatment on a site where there currently is none. The requested tree variance is necessary in order to further these, as well as other, important County policies.

The Specimen Tree impacts occurring as a result of this redevelopment are the minimum impacts necessary – The mixed-income housing development envisioned for the Subject Property simply cannot be accommodated if the Specimen Trees cannot be disturbed/removed. The proposed redevelopment necessitates certain infrastructure improvements; including SWM facilities, public utilities, and site access, that will result in impacts to the Specimen Trees. There currently exists no storm water management that serves the Subject Property. As a result, the Project will require the installation of several storm water facilities on-site as well as improving one off-site facility. Installing the storm drain as described will allow the Applicant to redevelop the Subject Property with the densities envisioned by the County Council, as shown on the approved Floating Zone Plan. This improvement will also serve the general public and neighboring properties. After evaluating alternative alignments, this alignment was determined to be the most feasible and practical solution.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Due to the location of the Specimen Trees and the extent of their CRZs, the inability to disturb/remove the Specimen Trees would prevent the Applicant from developing the Subject Property in a manner consistent with the Sector Plan, approved by the County Council, and as allowed by the CR-1.5,C-1.5,R-1.0,H-100 Zone. It would also deprive the Applicant of the opportunities enjoyed by others with similar properties in the CR Zones. Any redevelopment of

# Attachment E

the Subject Property, which reflects the County's current goals and objectives, would likely require similar levels of disturbance and the removal of the Specimen Trees.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance; and*

The variance will not violate state water quality standards or cause measurable degradation in water quality. The Specimen Trees are not located within a special protection area (SPA) or watershed primary management area (PMA). The Subject Property currently contains no known stormwater management on-site and is approximately 71 % impervious. Therefore, the provision of stormwater management facilities in connection with the proposed redevelopment will significantly improve the stormwater quality on the Subject Property and in the surrounding area.

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. The current Maryland Department of the Environment (MDE) Stormwater Management regulations that Montgomery County has adopted require the use of ESD techniques to treat the required runoff on all new developments, where stormwater management is required. Per MDE's 2000 Maryland Stormwater Design Manual, "[t]he criteria for sizing ESD practices are based on capturing and retaining enough rainfall so that the runoff leaving the site is reduced to a level equivalent to a wooded site in good condition[.]" The final proposed stormwater management plans for the Subject Property will meet this standard with the removal of and impact to the identified Specimen Trees. The Project will provide for stormwater runoff to be stored and treated on-site for water quantity and quality control through use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). Applicable requirements under Chapter 19 are addressed in the Concept Stormwater Management Plan (SM # 281805) recently approved by the Montgomery County Department of Permitting Services (DPS) Water Resources Section on 6/29/2016. As illustrated on the CSWM, the Project will meet the required stormwater management goals through the extensive use of SWM facilities for the entire 5.7 acres property, where no treatment was provided prior. A key component of the SWM proposal is the retrofitting of an existing offsite SWM facility located along the western edge of the property to the north, near tree #1014.

The proposed project will result in a significant improvement to the water quality, over the current condition. Therefore, granting this variance will not adversely affect water quality standards and no measurable degradation in water quality will be experienced because effective mitigation measures are being provided.

# Attachment E

(4) *Provide any other information appropriate to support the request.*

The location of the Specimen Trees and the extent of their CRZs makes it impossible to avoid impacts to the Specimen Trees. However, to mitigate the loss of and impacts to the Specimen Trees, the Applicant is proposing root protection during construction and on site plantings – up to 48 caliper inches of mitigation tree plantings will be provided on site. The mitigation plantings will be integrated into the landscape of the developed property and located as to maintain 5' clearance from utilities and easements. The Project will accommodate all mitigation on-site, at a ratio of one (1) inch for every four (4) inches removed. The on-site plantings will provide various long-term environmental benefits and tree canopy that will compensate for the loss of the Specimen Trees. Additionally, the proposed development provides significant new landscaping and green areas on the Subject Property.

Specimen trees in urban and semi-urban areas are often located close to structures and existing roads. The majority of the roots of these trees are likely in lawn and landscaped areas as opposed to under structures and in compacted roadways, not to mention installation and maintenance of utilities, storm drain, etc. For example, Tree #214 has over 50% of the CRZ area disturbed if you strictly measure a 1.5x DBH. However, the majority of this tree's roots are most likely in lawn or landscaped areas where there is less proposed disturbance. Tree # 215 also has over 50% of the CRZ area disturbed if you just look at 1.5x the DBH in feet. Similarly, to tree #214, much of the CRZ area overlays the existing surface parking and so the majority of this tree's roots are most likely in lawn or landscaped areas where there is less proposed disturbance. Tree #215 also is in very poor condition and needs to be removed as it could be a potential life safety hazard. In both cases, there are little to no feeder roots under the surface parking which receive nutrients and water for this tree. And although we identify both of these trees as being removed, we believe that the utility construction that is proposed within the townhouse property boundaries and proposed private roads will not have as much of an impact as a CRZ circle on a plan would indicate. We recommend root pruning along the LOD and as the Forest Inspector indicates as well as monitor during excavation.

## Conclusion

The granting of this variance request would not confer a special privilege on the Applicant that would be denied to others. Rather, as discussed above, the variance will prevent the deprivation of rights to the Applicant that have been enjoyed by others similarly situated, as this request is typical for an application of this type. The need for the variance does not arise out of action by the Applicant, but rather existing site conditions established many years ago. The request is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property and, as stated previously, the granting of this request will not violate State water quality standards or cause measurable degradation in water quality.



# Attachment E

Thank you for your consideration of this variance request. We believe that the supporting information provided in this letter justifies the variance to impact twenty (20) Specimen Trees, including the removal of thirteen (13) Specimen Trees. If you have any questions or need more information for your review of this request, please do not hesitate to contact us so that we may discuss this matter further.

Below you will find detailed information on the specimen trees for which we are requesting variance from the above referenced codes. The variances requested herein include impacts and removals as part of the building development and for the environmental enhancements associated with this project.

## Exhibit "A"

Table 1 summarizes the trees with significant/sever impacts to be removed; Table 2 summarizes the trees with only minor/moderate impacts to be preserved. Each table is followed by a more detailed description of the circumstances pertaining to the proposed impacts. The assessment of the condition of each tree was performed by VIKA Maryland, LLC as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at that time. Decay or weakness may be hidden out of sight for large trees.

**Table 1: Specimen Trees with significant/severe impact – To be removed**

TREE NO.	COMMON NAME	D.B.H. (in.)*	CONDITION	CRZ AREA	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
8	Tuliptree	46	Good	14,957	14,957	100%	REMOVE
9	Tuliptree	30	Good	6,362	6,362	100%	REMOVE
10	Tuliptree	50	Good	17,671	17,671	100%	REMOVE
11	Tuliptree	50	Fair	17,671	17,671	100%	REMOVE
12	Tuliptree	41.5	Good	12,174	12,174	100%	REMOVE
15	Tuliptree	32	Fair	7,238	0	0%	SAVE
16	Tuliptree	30	Fair	6,362	0	0%	SAVE
17	Tuliptree	37	Good	9,677	9,677	100%	REMOVE
19	Southern Red Oak	36	Good	9,161	0	0%	REMOVE
20	Tuliptree	33	Good	7,698	0	0%	SAVE
215	Red Oak	30.5	Poor	6,576	5,542	84%	REMOVE
216	Tuliptree	31.3	Good	6,925	3,703	53%	REMOVE
218	Tuliptree	30.5	Good	6,576	0	0%	SAVE
224	Red Oak	30.1	Fair	6,404	6,362	99%	REMOVE
229	Tuliptree	40.4	Fair	11,537	118	1%	SAVE





# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

7

230	Red Oak	30	Fair	6,362	144	2%	SAVE
237	Red Oak	30.3	Fair	6,490	6,362	98%	REMOVE
239	Red Oak	36.1	Good	9,212	9,161	99%	REMOVE
687	Red Oak	32.8	Good	7,605	7,543	99%	REMOVE
688	Tuliptree	33.4	Good	7,885	663	8%	SAVE
690	Tuliptree	38.8	Good	10,641	532	5%	SAVE
1004	Red Oak	31.6	Good	7,058	0	0%	SAVE
1007	Red Oak	31.5	Good	7,014	1,053	15%	SAVE
1008	Tuliptree	EST 45	Fair	14,314	0	0%	SAVE
1014	Tuliptree	64.3	Poor	29,225	9,495	32%	SAVE
2038	Red Oak	35.4	Good	8,858	1,421	16%	SAVE

## Tree # 8

**46" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the western fence line near the stormwater facility pond.

**Field Condition:** Good

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 9

**30." Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the western fence line near the stormwater facility pond.

**Field Condition:** Good

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 10

**50" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the western fence line near the stormwater facility pond.

**Field Condition:** Good

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 11

**50" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the northwestern fence line near the stormwater facility pond.

**Field Condition:** Fair

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.



# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

8

## Tree # 12

**41.5" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the northwestern fence line near the stormwater facility pond.

**Field Condition:** Good

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 15

**32" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the northwestern fence line between the stormwater facility pond and Josiah Henson Parkway.

**Field Condition:** Fair

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Save.

## Tree # 16

**30" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the northwestern fence line between the stormwater facility pond and Josiah Henson Parkway.

**Field Condition:** Fair

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Save.

## Tree # 17

**37" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site, along the northwestern fence line between the stormwater facility pond and Josiah Henson Parkway.

**Field Condition:** Good

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 19

**30.5" Southern Red Oak (*Quercus falcata*):** This tree is located off-site, along the northwestern fence line between the stormwater facility pond and Josiah Henson Parkway.

**Field Condition:** Fair

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Removed.

## Tree # 20

**33" Tuliptree (*Liriodendron tulipifera*):** This tree is located between the eastern edge of the stormwater facility pond and the access driveway along the Kaiser Permanente Property.

**Field Condition:** Fair



# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

9

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for proposed stormwater facility retrofit.

**Disposition:** Save.

## Tree # 215

**30.5" Red Oak (*Quercus rubra*):** This tree is located on-site, just roughly 55' north of southern property line.

**Field Condition:** Poor

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Removed.

## Tree # 216

**31.3" Tuliptree (*Liriodendron tulipifera*):** This tree is located on-site, roughly 124' east of the western property line

**Field Condition:** Good

**Proposed CRZ Impact:** 53% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Removed.

## Tree # 224

**30.1" Red Oak (*Quercus rubra*):** This tree is located on-site, just roughly 54' north of the southern property line and roughly 127' east of the western property line.

**Field Condition:** Fair

**Proposed CRZ Impact:** 100% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Removed.

## Tree # 229

**40.4" Tuliptree (*Liriodendron tulipifera*):** This tree is located on-site, roughly 26' east of western property line.

**Field Condition:** Fair

**Proposed CRZ Impact:** 1% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save

## Tree # 230

**30" Red Oak (*Quercus rubra*):** This tree is located on-site, just roughly 26' east of western property line.

**Field Condition:** Fair

**Proposed CRZ Impact:** 2% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save



# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

10

## Tree # 237

**30.3" Red Oak (*Quercus rubra*):** This tree is located on-site, just roughly 101' south of the northern property line.

**Field Condition:** Fair

**Proposed CRZ Impact:** 98% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Remove

## Tree # 239

**36.1" Red Oak (*Quercus rubra*):** This tree is located on-site, just roughly 65' south of the northern property line.

**Field Condition:** Good

**Proposed CRZ Impact:** 99% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Removed.

## Tree # 687

**32.8" Red Oak (*Quercus rubra*):** This tree is located on-site, roughly 3' south of the northern property line and 115' east from the western property line.

**Field Condition:** Good

**Proposed CRZ Impact:** 57% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Removed.

## Tree # 688

**33.4" Tuliptree (*Liriodendron tulipifera*):** This tree is located on-site, just roughly 37' south of the northern property line and 61' east from the western property line.

**Field Condition:** Good

**Proposed CRZ Impact:** 22% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save

## Tree # 690

**38.8" Tuliptree (*Liriodendron tulipifera*):** This tree is located on-site, just roughly 26' east of western property line.

**Field Condition:** Good

**Proposed CRZ Impact:** 5% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save

## Tree # 1007

**31.5" Red Oak (*Quercus rubra*):** This tree is located off-site, just roughly 28' south of the southern property line.

**Field Condition:** Good



# Attachment E

2115 East Jefferson  
FCP Tree Variance Request  
VIKA # VM50566C

11

**Proposed CRZ Impact:** 15% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save

## Tree # 1014

**64.3" Tuliptree (*Liriodendron tulipifera*):** This tree is located off-site along the western fence line near the stormwater facility pond.

**Field Condition:** Poor

**Proposed CRZ Impact:** 32% impact to the CRZ due to necessary site layout for off-site stormwater facility retrofit.

**Disposition:** Save

## Tree # 2038

**35.4" Red Oak (*Quercus rubra*):** This tree is located off-site, just roughly 30' south of the southern property line, to the east of East Jefferson Street.

**Field Condition:** Good

**Proposed CRZ Impact:** 16% impact to the CRZ due to necessary site layout for feasible density and street layout.

**Disposition:** Save

Sincerely,

**VIKA Maryland, LLC**

*Robert Tilson*

Robert Tilson, FASLA, PLA

Director of Landscape Architecture/Executive Associate

Y:\50501-51000\50566\_DOCUMENTS\50566C\PLANNING\ENVIRONMENTAL\FCP\50566 VARIANCE\_UPDATED.docx

