

# 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

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

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.

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<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.

- 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.

**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

<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:

- 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

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

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.

- 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.***

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;***

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.

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>		

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)

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

### 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)

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

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<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.

**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

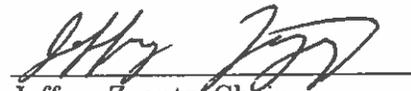
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 30 2023 (which is the date that this Resolution is mailed to all parties of record); and

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).

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**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