

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-072
Sketch Plan No. 320220100
Federal Plaza West
Date of Hearing: July 13, 2023

AUG 24 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 May 18, 2022, Federal Realty ("Applicant") filed an application for approval of a sketch plan for construction of up to 583,016 square feet, with up to 474,051 square feet allocated to residential uses, including 15% MPDUs, and up to 108,965 square feet allocated to commercial uses, using the Optional Method of development on 6.06 acres of CRT-2.25, C-0.75, R-1.5, H-75'-zoned land, located 1776 East Jefferson Street, 200 feet south of Rollins Avenue, identified as Lot 2, "Memco's Addition to Montrose" Subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 10407 ("Subject Property") in the 2018 *White Flint 2 Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320220100, West Federal Plaza ("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 June 30, 2023, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220100, Federal Plaza West, for construction of 583,016 square feet,

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

with up to 474,051 square feet allocated to residential uses, including 15% MPDUs, and up to 108,965 square feet allocated to commercial uses, using the Optional Method of development on the Subject Property, subject to the following binding elements and conditions:¹

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:

Density

1. The Sketch Plan is limited to a maximum of 583,016 square feet of total development, comprised of 474,051 square feet of residential development (including 15% Moderately Priced Dwelling Units (MPDUs)) and 108,965 square feet of commercial development.

Height

2. The development is limited to a maximum average building height of 87 feet (including 12 feet of additional building height to accommodate MPDUs), as measured from the building height measuring point to be illustrated on the Certified Site Plan.

Incentive Density

3. 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 50 and be chosen from at least 3 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.
 1. Transit Proximity, achieved through level 1 transit proximity;
 2. Diversity of Uses and Activities, achieved by providing 15% Moderately Priced Dwelling Units.

¹ 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.

3. Quality of Building and Site Design, achieved through structured parking; and
4. Building Reuse, achieved through the retention and reuse of an existing building.

Public Open Space

4. The Civic Green/ Urban Park located along Forest Glen Road must have a functional space of at least one-half (½) acre, per the Sector Plan, as determined by the design shown on the Certified Site Plan.

Future Coordination for the Preliminary and Site Plans

5. In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed in future applications:
 - a) The Applicant must maximize the acreage of the public open space on the East Jefferson frontage.
 - b) The Applicant must design the public open space to be engaging, flexible, and designed at the pedestrian scale.
 - c) At Site Plan, the Applicant must provide a noise analysis for interior residential units per the 1983 Noise Guidelines. The noise analysis needs to address all applicable noise sources/roadways and be based on onsite field recordings, made during representative time periods. The analysis must show the existing and 20-year projected noise contours and/or provide 3-D modeling as appropriate (the 3-D modeling would need to reflect the existing and 20-year projected noise levels).
 - d) Ensure that the pedestrian connection to California Circle is maintained without stairs.

Validity

6. A site plan must be submitted within 36 months after the date the resolution for this Sketch Plan 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 herein), 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.*

a. Development Standards

The Subject Property includes approximately 6.06 acres zoned CRT-2.25, C-0.75, R-1.5, H-75'. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table CRT-2.25, C-0.75, R-1.5, H-75				
Development Standard	Permitted/ Required	Phase 1	Phase 2	Total Development
Tract Area	n/a	283,914 square feet (6.52 acres)		
Prior Dedication	n/a	19,840 square feet (0.46 acres)		
Dedication with this Application	n/a	n/a		
Site Area	n/a	264,074 square feet (6.06 acres)		
Mapped Density CRT-2.25, C-0.75, R-1.5, H-75	425,871 square feet (1.5 FAR)	310,000 square feet (1.09 FAR)	115,871 square feet (0.41 FAR)	425,871 square feet (1.5 FAR)
Residential (GFA/FAR)				
Commercial (GFA/FAR)	212,936 square feet (0.75 FAR)	103,965 square feet (0.37 FAR)	5,000 square feet (0.01 FAR)	108,965 square feet (0.38 FAR)
Total Mapped Density (GFA/FAR)	732,499 square feet (2.25 FAR)	413,965 square feet (1.46 FAR)	120,871 square feet (0.42 FAR)	534,836 square feet (1.88 FAR)
MPDU requirement	12.5%	15.0%	15%	15.0%
MPDU Bonus Density (GFA/FAR)	93,692 square feet (0.33 FAR) ²	0 square feet	48,180 square feet (0.17 FAR)	48,180 square feet (0.17 FAR)
Total GFA/FAR	826,191 square feet (2.91 FAR)	413,965 square feet (1.46 FAR)	169,051	583,016 square feet (1.88 FAR)
Building Height, max average	75 feet	87 ³ feet	87 ³ feet	87 ³ feet
Public Open Space (min s.f.)	26,407 square feet	20,873 square feet	5,859 square feet	26,732 square feet

² 22% Bonus density for providing 15% MPDUs

³ As a project exceeding 12.5% MPDUs, additional building height is permitted to accommodate the MPDU development.

b. Intent of the Zone

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

As described in Finding 2 below, the development implements the recommendations of 2018 *White Flint 2 Sector Plan* as well as the 2018 *Bicycle Master Plan*.

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

The Sketch Plan redevelops a single-use commercial development and a surface parking lot into a mixed-use development.

iii. *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 development will integrate housing and commercial uses within $\frac{1}{2}$ mile of the Twinbrook Metro Station, while reducing a large surface parking lot. The pedestrian and cyclist improvements will create safer multimodal transportation options for the residents and surrounding community. The development includes 15% MPDUs, which increase the available housing options.

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

The new buildings will be 7 stories with a maximum of 87 feet in height. The surrounding residential development varies in height but is primarily multi-family residential between 4 and 7 stories.

v. *Integrate an appropriate balance of employment and housing opportunities.*

The development will provide additional housing opportunities to support commercial and employment services and transforms an existing commercial development into a mixed-use development.

vi. *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 will provide the required 50 public benefit points from a minimum of 3 categories to achieve the desired incentive density

above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. The Sketch Plan substantially conforms to the recommendations of the Sector Plan.

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

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

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

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

The Sector Plan provides the following guidance for the Property:

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

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

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The development strengthens relationships with the existing neighborhood by transforming a surface parking lot into a mixed-use development and adding useable open space. The pedestrian and bicycle improvements also strengthen the relationship between the new development and existing development.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, and parking and loading. Vehicular access to the Site will occur primarily off East Jefferson Street via three access points. The northern access (Drive Aisle N) provides access across the northern boundary of the Site and will connect to an internal alley as well as connect to an existing drive aisle connecting to Federal Plaza East. Drive Aisle N and the alley will be constructed as part of Phase 1. The middle access road is a shared driveway and will provide access to the parking garage. The third access, Private Road "Street S", will provide access across the southern boundary of the Site. A loading dock will also be accessible off Private Road "Street S" that will serve Building MF2. Private Road "Street S" will also connect to an internal alley as well provide access to the existing driveways connecting to the property to the east. The alley will provide north/south vehicular circulation within in the site, providing access to Drive Aisle N and Private Road "Street S" as well as providing access to the parking garage and a loading dock that serves Building MF1.

Bicycle and pedestrian access will be made primarily using the frontage of East Jefferson Street, which has a road diet that includes a two-way separated bikeway and a sidewalk.

6. *The Sketch Plan proposes 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 development, the Zoning Ordinance requires 50 points in 3 categories. The Applicant proposes to exceed the 50-point requirement utilizing 4 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 points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Public Benefit	Maximum Points Allowed	Approved
Transit Proximity	50	15
Diversity of Uses and Activities		
Moderately Price Dwelling Units	N/A	30
Quality Building and Site Design		
Structured Parking	20	9.24
Building Reuse	100	15
Total Points		69.24

TRANSIT PROXIMITY

Transit Proximity

The Applicant requested 15 points for being located with ½ mile of the Twinbrook Metro Station, which qualifies as Level 1 transit proximity. The Planning Board supports the category at this time.

DIVERSITY OF USES AND ACTIVITIES

Affordable Housing

The Applicant requests 30 points for providing 15% MPDUs. The development will provide 15% MPDUs, as required by the Sector Plan. The Planning Board supports the category at this time.

QUALITY BUILDING AND SITE DESIGN

Structured Parking

The Applicant requests 9.24 points for providing structured parking. The development provides an above grade parking structure for the development. The Planning Board supports the category at this time.

BUILDING REUSE

Building Reuse

The Applicant requests 15 points for the creative adaptive reuse of the existing structure. The development is retaining the existing 130,656-square foot retail building and converting approximately 26,691 square feet to parking. The Planning Board supports the category at this time.

- The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development includes a phasing plan that establishes a feasible appropriate plan for developing the site and balances community benefits with the development in each phase.

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 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 9801 Georgia Avenue, Sketch Plan No.320220100, received by M-NCPPC as of the date of the Staff Report 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 AUG 24 2023 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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



Artie L. Harris, Chair
Montgomery County Planning Board