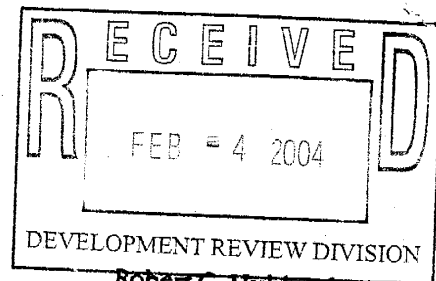


APPENDIX A



DEPARTMENT OF PERMITTING SERVICES

May 29, 2003



Robert C. Hubbard
Director

Douglas M. Duncan
County Executive

Mr. Michael Goodman
Loiderman Soltesz Associates
1390 Piccard Drive
Rockville, MD 20850

804023

Re: Stormwater Management **CONCEPT** Request
for Georgetown Preparatory
Preliminary Plan #: N/A
SM File #: 205068
Tract Size/Zone: 90.3acres/R-90
Total Concept Area: 80.6 acres
Lots/Block: N/A
Parcel(s): 1
Watershed: Lower Rock Creek

Dear Mr. Goodman:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via a dry pond and underground storage; on-site water quality control via surface sand filters and structural sand filters; and onsite recharge via drywells and storage under the sand filters.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Storage for surface sand filters must be calculated above the sand. The void space in the media cannot be counted towards the total volume as it is in structural sand filters and infiltration trenches.

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. 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 William Campbell at 240-777-6345.

Sincerely,


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm

cc: M. Shaneman
S. Federline
SM File # 205068

QN - onsite: Acres: 80.6
QL - onsite: Acres: 80.6
Recharge is provided

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PRELIMINARY FOREST CONSERVATION PLAN CONDITIONS**

TO: ROBERT KRONENBERG,
Development Review Division

SUBJECT: **Preliminary Forest Conservation Plan # 8-04023**
Site Plan JEFFERSON AT INIGO'S CROSSING (Georgetown Prep School Residential)
NRI/FSD # 4-92019

The subject Preliminary Forest Conservation Plan is APPROVED subject to satisfaction of all of the following conditions for Final Forest Conservation Plan approval prior to signature set approval, or any clearing or grading on the overall Georgetown Prep property.

RECOMMENDATIONS

XXX Approve subject to the following conditions:

XXX Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")

XXX Approval of the following items by M-NCPPC staff prior to DPS issuance of any sediment and erosion control permit(s) for the tract:

XXX **Tree Protection Plan.**

XXX **Afforestation/Reforestation Planting Plan**, including landscape edge transition planting along eastern edge of building envelope. Appropriate permanent signage shall be placed at edge of reforestation area. Trees shall be a minimum of 1.5" to 2" caliper along said edge.

XXX Submittal of financial security to M-NCPPC prior to clearing or grading.

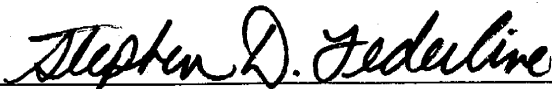
XXX Amendment to existing record plat, or deed of conveyance, as appropriate, to show revised forest conservation (category I) and tree save (category II) easements. Forest conservation easement (Cat. I) shall be placed over all preserved forest and reforestation areas. Tree Save (category II) easements shall be placed over tree save areas along the Route 355 frontage to preserve trees near the roadway edge. Tree Save (category II) easements or other long-term protection device shall also be applied to individual trees and landscaping which are part of the afforestation requirements of the school use.

XXX Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.

XXX **Invasive Species Management Plan:** the entire understory of the preserved forest associated with the residential use is dominated by invasive species, such as Japanese honeysuckle, poison ivy, and multiflora rose. **The priority method for reforestation in the forest conservation law (Section 22A-12(e)) is through enhancement of existing forest through selective clearing, supplemental planting, or both.** Staff recommends the management plan to focus on enhancing, and selectively replanting the existing forest. Any additional plantings in the buffer may be used to meet the afforestation requirements for the school use on the overall site, or as a bank from which credits may be sold to other projects.

NOTE: The forest conservation concept for this 17 acre residential site amends the overall Georgetown Prep approved forest conservation plan. As such, **the overall plan for the entire site must be amended to reflect the on-site changes in land use (necessitating two separate worksheets), amendment to easement locations, and demonstration that each use (the 80± main school/ institutional use, and the 17 acre residential use) meets the appropriate requirements per the forest conservation law.**

SIGNATURE:

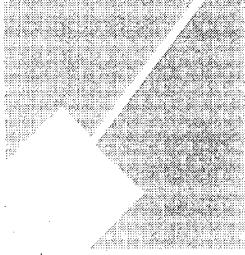


Stephen D. Federline, Countywide Environmental Planning

DATE:

4/8/04

cc: (applicant)



April 9, 2004

MEMORANDUM

TO: Robert Kronenberg, Development Review

FROM: Kristin O'Connor, Planner, Bethesda-Chevy Chase, North Bethesda Team
Community-Based Planning Division (301-495-2172) *KO*

SUBJECT: Comments for The Jefferson at Inigo's Crossing (Site Plan 8-04023)

The proposed residential project is located in the *North Bethesda/Garrett Park Master Plan* (1992). The site is located at the northwest quadrant of the intersection of Tuckerman Lane and Rockville Pike/MD 355. The applicant, Georgetown Preparatory School, rezoned 15 acres from the R-90 zone to the PD-28 Zone and proposes to develop 473 dwelling units in the designated 15 acres.

The Master Plan supports residential development around the Grosvenor Metro Station. The Master Plan also supports retaining open space on the Georgetown Preparatory School property by recommending that any future residential development on the site should be located in the portion recommended for PD-28 zoning. Specific recommendations in the Plan for residential development include:

1. *Maintain as much open space on the property as possible.*
2. *Provide convenient pedestrian access to Metro.*
3. *If feasible, provide vehicular access from Tuckerman Lane.*
4. *Restrict the residential development under the PD-28 Zone to 15 acres, more or less conforming to the 15 acres of the site within the Grosvenor Sector Plan Boundary. The exact configuration of the 15 acres to which the PD-28 floating zone may be applied will depend on environmental, topographic, or other similar reasons. Any deviations from the Sector Plan boundary would be expected to be minor in nature.*
5. *Submit a landscape plan that provides a buffer between the residential development and the remainder of the site.*

The project is in compliance with the recommendations of the *North Bethesda/Garrett Park Master Plan* and meets the Plan's objective to locate residential near Metro.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

April 7, 2004

Elizabeth B. Davison
Director

Mr. Michael Ma
Development Review Division (Site Plan Review)
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Ma:

The Department of Housing and Community Affairs ("DHCA") is responsible for the administration of the Moderately Priced Dwelling Unit ("MPDU") program pursuant to Chapter 25A of the Montgomery County Code (the "Code"). In that regard, we have been asked to respond to the issue concerning the number of MPDU's that are required for a 473 unit residential development (the "Project") which is in the PD-28 zone, Jefferson at Inigo's Crossing.

The 1992 North Bethesda-Garrett Park Master Plan recommended that 15 acres of the Georgetown Preparatory School ("Prep") property near the Grosvenor Metro Station be reclassified to the PD-28 Zone. The school filed a rezoning request on February 2, 2002, identified as Case No. G-796, seeking reclassification of 15 acres of the R-90 zoned property to the PD-28 with a total of 473 residential units, based on a density of 420 market rate units, and 12.5 percent of this density as MPDUs (53), equaling 473 units. I understand that these numbers were the subject of lengthy negotiations with Prep's neighbors, resulting in a settlement agreement of support and covenants being recorded in the Land Records on the Prep property.

The records indicate that the Maryland-National Capital Park and Planning Commission ("M-NCPPC") Staff recommended approval of the zoning request and the Development Plan accompanying the request, which specifically identified 420 market rate units and 53 MPDUs on the site. The Planning Board and Hearing Examiner also recommended approval of the zoning request and density as specifically referenced. The County Council approved the zoning request and Development Plan on October 29, 2002, by Resolution No. 14-1497, for the PD-28 zone and a residential development of 473 units of which 420 were identified as market rate units and 53 were identified as MPDU's. The Development Plan referencing the density was certified on December 2, 2002.



Office of the Director

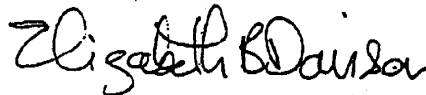
Mr. Michael Ma
April 7, 2004
Page Two

Prep then filed a preliminary plan of subdivision with a detailed traffic report and a draft Traffic Mitigation Agreement, both of which were based on a 473 unit density. The M-NCPPC staff again recommended approval, and the Planning Board approved that preliminary plan on July 8, 2003. Prep has negotiated a ground lease with JPI based upon the total number of units being 473; 53 of which are MPDUs, and JPI has filed the subject Site Plan applications.

It is my understanding that staff feels that an error has been committed in the calculation of the MPDU requirement for the Site Plan, and that it should be 66 rather than 53 based on Chapter 25A of the Code. However, Section 59-C-7.1(c) of the Code, which pertains specifically to the PD Zones, was interpreted at the outset to require 12.5 percent (53) MPDU's to be added to the total density permitted (420) for this PD-28 zoned site. This total number of units (473) was approved several times during the development review process and relied upon by Prep, its neighbors, JPI, the M-NCPPC staff, the Planning Board, Hearing Examiner and County Council. Further, the County Executive has coordinated with Prep regarding the MPDUs for the development, and granted Prep the ability to rent MPDUs in the program for their staff at the school, who should live near the school for emergency and traffic mitigation reasons, but who cannot currently afford the housing in the area. It is likely that the confusion results from the amendment to the Zoning Ordinance that was occurring around the same time that this project was being proposed. Previously, the bonus units approved for the PD developments were to be all MPDUs and there were no market rate bonus units as provided for in most other zones. Also the current section of the Zoning Ordinance dealing with PD zones refers to developments that are either greater or less than PD-28 but doesn't specifically reference PD-28 zoned properties.

To change the requirement now is unfair to those involved. I feel that the original interpretation should apply for this development and recommend that the development be approved for 420 market rate units and 53 MPDUs. I think that this would be a fair resolution of the issue and a significant number of MPDUs will be provided in the development.

Sincerely,



Elizabeth B. Davison
Director

EBD:tl

cc: Robert Kronenberg, M-NCPPC
Robert H. Metz, Esq., Linowes and Blocher