

# Casey Rosedale

## Waiver from Environmental Regulation Request

*For:*  
*The City of Gaithersburg*  
*31 S Summit Avenue*  
*Gaithersburg, MD 20877*

*By:*  
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September 2025

## Executive Summary

Rodgers Consulting, Inc. (“Applicant”) submits this request for an environmental waiver on behalf of the property owner (The Eugene B Casey Foundation) for the Casey Rosedale property, which is also the subject of the associated Site Development Plan (SDP). The subject property is 17.87 acres and is located north of I-370, west of Frederick Road (MD 355) and south of O’Neill Drive and is presently the Rosedale Apartments. This apartment complex is outdated and nearing the end of their useful life. Redeveloping this site presents a unique redevelopment opportunity to preserve and expand upon the mixed-income housing within the City of Gaithersburg, while providing modern stormwater management facilities, an increase in tree canopy coverage across the re-configured parking areas and upgraded recreational facilities. This environmental waiver request presents 2.26 acres of impact area within the stream valley buffer, the majority of which are temporary. The impacts presented are to the stream and associated stream valley buffer and are unavoidable due to the location of existing infrastructure and the need to maintain a connection between O’Neill Drive and the adjacent community center. The Applicant is proposing mitigation for any impacts to the stream valley buffer at a 1:1 ratio through a combination of enhancement of existing environmental features and reforestation all to be done within the stream buffer being impacted. The details and final acreage of mitigation will be determined with consultation with City Staff through the final engineering and agency permitting process. Due to the reason for the impacts to the stream and stream valley buffer and proposed mitigation it is demonstrated that this environmental waiver request is reasonable and justified.

## Environmental Waiver Impact Summary

- Proposed Preliminary Improvements within the Stream Valley Buffer (~0.5 acres):
  - Impacts due to a storm drain needed to maintain existing drainage divides as well as necessary outfalls:
    - Permanent: 1,699 SF of SVB; 55 LF of Stream
    - Temporary: 4,880 SF of SVB
  - Impacts due to the improvement of a roadway connection to the adjacent community center parcel, storm drain outfall, and WSSC water line to connect to existing infrastructure:
    - Permanent: 5,333 SF of SVB
    - Temporary: 8,446 SF of SVB; 21 LF of Stream
  - Impacts due to the removal of the existing parking lot pavement and installation of a sewer line that connects to existing infrastructure.
  - Temporary: 4 SF of SVB
- Mitigation Impact Area:
  - 1:1 area of mitigation subject to the impacts determined at final engineering and ACOE and MDE (JPA) permitting.
- Overall Impact area:
  - 2.26 acres
    - This includes all proposed improvements described below and mitigation efforts to offset any impacts to the stream valley buffer.
- All permanent and temporary impact areas called out for improvements are subject to change through final engineering, the overall impact area covers any additional area that may be needed for any LOD expansion as well as accounts for mitigation for both the proposed impact at preliminary plan and gives a buffer for any additional area needing mitigation through final site plan.

## Mitigation & Restoration Efforts

- Mitigation for any impacts to the stream valley buffer will be provided at a 1:1 ratio through a combination of enhancement of existing environmental features and reforestation all to be done within the stream buffer being impacted.
- The details and final acreage of mitigation will be determined with consultation with City Staff through the final engineering and agency permitting process.
- The Community Center parking lot will be repaved from where the pavement enters the Rosedale project site to the easternmost proposed storm drain once storm drain installations are complete, returning the area to full use.
- The proposed development features will preserve and expand upon the mixed-income housing in the City with 75% of the units being designated as affordable housing.
- The site's stormwater management will be brought up to the current code and regulation with bioretention facilities and stormwater plantings.
- A minimum of 30% tree canopy cover will be provided for the re-configured parking areas
- The design features active and engaging recreational facilities and landscaped open spaces allowing for community engagement.

## Table of Contents

<b>Existing Conditions</b> .....	1
<b>Proposed Development</b> .....	2
<b>Waiver Request</b> .....	3
Waivers may only be granted upon: .....	3
a) <i>Completion of required approvals, rulings, permits, or waivers from all appropriate State and Federal findings agencies.</i> .....	3
b) <i>A showing of good and sufficient cause and meeting the criteria outlined in Article III of this regulation.</i> .....	3
c) <i>A determination that failure to grant a waiver would result in unnecessary or undue hardship to the applicant.</i> .....	4
d) <i>A determination that the granting of the waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, or the creation of nuisances.</i> .....	5
e) <i>A determination that there are no conflicts with existing local and State laws or ordinances.</i> .....	5
<b>Impact Details</b> .....	6
<b>Stream Buffer and Stream Impact Areas</b> .....	7
1. <i>Reasonable alternatives for avoidance of the buffer are not available.</i> .....	7
3. <i>Existing sensitive areas have been avoided (forest, headwaters, and wetlands and their designated buffers, floodplains, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).</i> .....	9
4. <i>The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tie-outs to existing grades, slope stabilizing BMPs, etc.).</i> .....	10
5. <i>The plan design provides compensation for the loss of buffers.</i> .....	11
<b>Conclusion</b> .....	11

## Existing Conditions

The subject property, henceforth referred to as “the site”, is located north of I-370, west of Frederick Road (MD 355) and south of O’Neill Drive. The site consists of parcels N738 and N881 (9.37 acres to be rezoned from R-18 and R-20 to CD “Commercial Development”) and P940 (5.24 acres previously rezoned CD in accordance with Resolution No. R-27-24 approved May 20, 2024).

It is located within the Potomac River watershed and contains four forest stands, 37 specimen trees and stream valley buffer. Additionally, utilities are proposed to encroach on the property north of the site. This adjacent property is owned by the City of Gaithersburg and contains the Casey Community Center and supporting infrastructure.

A field investigation was performed on May 11, 2023, by two ISA Certified Arborists in accordance with the State Forest Conservation Technical Manual (DNR, 1997) and The City of Gaithersburg Forest Conservation Regulations for a Natural Resource Inventory (NRI). Natural Resource Inventory/Forest Stand Delineations (NRI/FSD) ENV-9609-2023 and ENV-9654-2023 were approved for the Property by the City of Gaithersburg on 7/26/2023 and 11/21/2023 respectfully.

The field investigation looked for evidence of wetlands and Waters of the US within the site. No known wetlands were identified on or within 100 feet of the Property. The investigation confirmed that while there is not a stream located on the Applicant’s property, there is a stream within 100 feet of the site on the City’s north adjoining property. A small portion of associated stream buffer does encroach on the site.

The stream valley buffer consists of impervious parking lot and roadway, concrete curb and pedestrian sidewalks, existing storm drains, a pedestrian bridge over the stream, as well as forested area, tree cover and grass. There are invasive species present adjacent to the stream both within the forested and unforested areas.

Additionally, there are no known existence of rare, threatened or endangered species on the site. The Applicant has coordinated with both the Maryland Department of Natural Resources (MD DNR), and US Fish and Wildlife throughout the design process confirming their absence. MD DNR was consulted during the Natural Resource Inventory (NRI) process and US Fish and Wildlife was consulted consistently through the design process through their Information and Planning for Consultation (IPaC) planning tool. Through those consultations, it was confirmed no listed rare, threatened or endangered species exist onsite, nor are there any critical habitats found within the project boundary.

Currently, the site consists of the Rosedale Apartments which include 192 existing garden-style multi-family dwelling units that were constructed in 1972 and require substantial upgrades to support the needs of the residents.

## Proposed Development

The existing buildings at the Rosedale Apartments have deteriorated to the point where cost to rehabilitate the current construction would exceed the cost of constructing new and modern buildings. The aging infrastructure lacks safety features and fails to meet modern day building code, and forest conservation and stormwater management standards. Redevelopment presents a unique opportunity to preserve and expand upon the mixed-income housing within the City of Gaithersburg while providing for modern stormwater management facilities, a minimum of 30% tree canopy coverage across the re-configured parking areas and upgraded recreational facilities. The creation of a prominent green space that is framed by new, upgraded multi-family buildings with mixed-income housing will enhance the City's sense of place and further instill the existing residents' sense of community.

The Application proposes the development of up to 450 multi-family units (258 net-new units) in two (2) phases with a mix of 1-bedroom, 2-bedroom, and 3-bedroom units. This phased redevelopment of the Property enables The Eugene B Casey Foundation to improve the existing units and provide upgraded recreational amenities without displacing current residents during construction.

In Phase I, the Applicant proposes the development of 3 multi-family buildings with a total of 184 multi-family units amongst the three buildings. Two (2) of the buildings are proposed to be 5-stories (up to 70 feet tall) with elevators, and the third is proposed to be 4-stories (up to 60 feet tall). The Applicant also proposes ancillary surface parking, and recreational amenities across the site. Phase II proposes up to 249 multi-family units across 6 buildings, surface parking, and recreational amenities. Two (2) of the buildings are proposed to be 5-stories (up to 70 feet tall), and four (4) buildings are proposed to be 3- to 4-stories (up to 60 feet tall).

As part of the overall site improvement, a Preliminary Forest Conservation Plan (PFCP) is currently in review with the City of Gaithersburg and illustrates how the project will satisfy both City and State Forest Conservation Standards. The Applicant is currently proposing 4.90 acres of forest conservation area made up of 0.28 acres of forest being retained, 0.34 acres of proposed reforestation and 4.56 acres of street tree canopy credit provided by 244 trees. The PFCP plan and details can be found as a part of the associated SDP.

Safety, stormwater management, and utility integration, are proposed to meet the requirements under the City of Gaithersburg redevelopment criteria using ESD (Environmental Site Design) facilities and underground stormwater management. The proposed concept has been designed specifically to minimize the impacts to natural resources by limiting development to the maximum extent practicable and prioritizing the preservation of the higher quality forest stand (Forest Stand #3), integrating reforestation to the maximum extent feasible, and incorporating site enhancement opportunities such as existing invasive plant removal, introduction of stormwater treatment facilities (where previously none existed), and street tree plantings. Overall, the post-construction conditions of the Property will include residential living spaces with park-like settings that supports the City's goals for creating livable spaces with access to facilities and nature similar to upscale housing within the area.

## Waiver Request

Pursuant to Section 38 of the Environmental Standards for Development, the City Council has the authority to review waiver applications and grant waivers where the Council finds that the public interest benefits of the project outweigh the risks to the environment and there are no other feasible alternatives. An environmental waiver is being requested for impact areas as a result of removal of existing infrastructure, necessary storm drain outfalls, necessary connection of a sewer line, the improvement of an existing roadway connection, and area to conduct and satisfy any mitigation for impacts to the stream buffer. These impacts will bring the site up to current City codes by enhancing stormwater management, public safety, and improve integration of the tree canopy and open space, while moving the project forward in coordination with the Master Plan and approved Sketch Plan.

Waivers may only be granted upon:

- a) *Completion of required approvals, rulings, permits, or waivers from all appropriate State and Federal findings agencies.*
  - i. The applicant will obtain the required approvals, rulings, permits, and/or waivers from the appropriate state and federal agencies.
  
- b) *A showing of good and sufficient cause and meeting the criteria outlined in Article III of this regulation.*
  - i. The design of this project incorporated measures to protect and improve the water quality of the streams in the City as outlined in Article III. The project proposes the implementation of ESD to the maximum extent practicable (MEP) through the use of new micro-bioretenion facilities, and landscape infiltration facilities. Additional water quality treatment will be provided through proprietary structural pre-treatment devices. The full requirements outlined in the City of Gaithersburg redevelopment criteria are met within the Applicant's proposed stormwater design. The implementation of these proposed ESD facilities, as well as the development allowing the site to come into current stormwater management regulatory compliance, will increase water quality treatment both onsite and offsite. The proposed ESD facilities are designed to withstand the 1-year storm event. Please refer to the Preliminary Stormwater Management Plan for additional details. The Stormwater Management Plan will be approved by the City of Gaithersburg and is currently in review. All updates to stormwater management will follow the City of Gaithersburg and MDE standards.
  - ii. Mitigation for any impacts to the stream valley buffer will be provided at a 1:1 ratio through a combination of enhancement of existing environmental features and reforestation all to be done within the stream buffer being impacted. The details and final acreage of mitigation will be determined with consultation with City Staff through the final engineering process and state and federal agency coordination through the Joint Permit Application process.
  - iii. Furthermore, outside of mitigation for impacts to the stream valley buffer, per the forest conservation requirements for the development of the property, the applicant will create approximately 4.90 AC (0.28 acres of forest retention and 0.34 acres of planted forest, with

- an additional 4.56 AC of canopy credit) of Forest Easement areas (as shown on the associated Preliminary Forest Conservation Plan).
- iv. The project’s design also includes community-centric spaces that create park-like gathering spaces. There will also be a mix of passive and active open space amenities to encourage residents to engage with each other and build a sense of place. The proposed Project will be linked to the surrounding community by a network of pedestrian sidewalks and by an 8-ft wide multi-purposed trail along O’Neill Drive.
  - v. A minimum 30% tree canopy coverage will be provided in the parking areas to reduce the impact of heat island effects and provide healthy air quality. Effective use of native plant materials will be applied to reduce water consumption for landscape irrigation and to minimize pesticide and fertilizer applications.
- c) *A determination that failure to grant a waiver would result in unnecessary or undue hardship to the applicant.*
- i. **The Current State of the Property and Hardship Definition:** The Rosedale Apartments, originally constructed in 1972, consist of 192 aging multi-family units that no longer meet modern health, safety, and community standards. Substantial upgrades and redevelopment are essential to protect the well-being of current residents and to serve the needs of the surrounding, growing community.

The proposed redevelopment of the site would provide 434 multi-family units, including 242 net-new units, 75% of which will be designated as affordable housing near transit, schools, and shopping centers. It will also create a safe pedestrian-friendly, community-oriented design with outdoor public amenity spaces. The proposed preliminary design integrates seamlessly with the surrounding neighborhood, strengthening community connections and enhancing livability for both residents and visitors.

Without approval of the requested environmental waiver for impacts to the stream and buffer, the Applicant cannot achieve a functional design that both complies with legal requirements and replaces the obsolete complex. Denial of the waiver would create unnecessary hardship by preventing redevelopment into modern, environmentally responsible housing consistent with the City’s Master Plan, including the delivery of safe and affordable units that advance the City’s long-term vision.

- ii. **Impact on Existing Infrastructure and Increasing Pedestrian Safety:** As a part of the proposed design, portions of O’Neill Drive and Nancy Place will be abandoned and then dedicated as a realigned O’Neill Drive. The new alignment will maintain public street access through the site and create a direct connection to the adjacent Casey Community Center through a shared trail. This access to the project with enhanced pedestrian and roadway improvements, tree canopy cover, and modern stormwater management facilities will bring safety and healthy living amenities to the area. Construction of the new roadway will directly impact the stream buffer, in order to connect the newly aligned O’Neill Drive to the Community Center parking lot.

- d) *A determination that the granting of the waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, or the creation of nuisances.*
- i. The proposed improvements and development are designed to not have any adverse effects on the flood height or the discharge flow rate. The hydraulic analysis will be submitted as part of the Preliminary Stormwater Management Plan and reviewed and approved by the City of Gaithersburg. The existing Rosedale Apartments were constructed in the 1970's without current stormwater management and forest conservation techniques, which result in stormwater being conveyed to offsite streams without treatment. The Application will preserve and expand upon the mixed-income housing while providing for modern stormwater management facilities to satisfy state and federal requirements for the proposed multi-family residential development.
  - ii. The project proposes implementation of environmental site design (ESD) to the maximum extent practicable (MEP) using micro-bioretenion facilities, which do not currently exist onsite. Additional water quality treatment will be provided through underground structural stormwater facilities. The full requirements outlined in the City of Gaithersburg redevelopment criteria are met within the Applicant's proposed stormwater design. The implementation of these ESD facilities and other updated stormwater measures, will increase water quality treatment for onsite impervious areas as well as for the stormwater being discharged offsite to adjacent streams. Further, the reconfiguration of O'Neill Drive and Nancy Place, which does require encroachment on the stream buffer, will allow for safer and more efficient circulation patterns although there will be minor tributary impacts.
  - iii. Through these proposed stormwater design implementations and reconfiguration of the roadways onsite mentioned above, the granting of this waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expenses or the creation of nuisances.
- e) *A determination that there are no conflicts with existing local and State laws or ordinances.*
- i. The impacts to the state and federal regulated feature, the stream, both temporary and permanent, will be presented to the state and federal agencies through a Joint Permit Application process under a GP-6 permit. No impacts to the stream will be made prior to the review and approval of the state and federal agencies. The granting of Applicant's waiver request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. In addition to the Section 38 regulations, all the Recommended Standards for Stream Buffers listed in Article III, Section 25 of the Environmental Standards for Development 5 will be met<sup>1</sup>. The Applicant addresses the factors below with supporting data in Attachments 1 and 2 for consideration of granting this waiver according to Article III Section 25.1.b.

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<sup>1</sup> [Environmental Standards for Development Regulation](#) – pages 24-26

## Impact Details

A discussion of the impact area is as follows and graphics for proposed impacts are found in **Attachment 1** and **Attachment 2**:

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### Proposed Preliminary Improvements within the Stream Valley Buffer (~0.5ac):

Impacts due to a storm drain and necessary outfalls needed to maintain existing drainage divides:

Permanent: 1,699 SF of SVB; 55 LF of Stream

Temporary: 4,880 SF of SVB

Impacts due to a roadway connection improvement, storm drain outfall, and WSSC water line to connection to existing infrastructure:

Permanent: 5,333 SF of SVB

Temporary: 8,446 SF of SVB; 21 LF of Stream

Impacts due to the removal of the existing parking lot pavement and installation of a sewer line that connects to existing infrastructure.

Temporary: 4 SF of SVB

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### Proposed Mitigation Area:

1:1 area of mitigation subject to the impacts determined at final engineering and ACOE and MDE (JPA) permitting

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### Overall Impact area:

2.26 acres

This includes all proposed improvements and mitigation efforts to offset any impacts to the stream valley buffer.

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*Note – all specific permanent and temporary impact areas within the stream valley buffer called out for improvements are subject to change through final engineering, the overall impact area presents the worst-case scenario of area needed to construct any necessary improvements as well as mitigation areas to offset the impacts at a 1:1 ratio.*

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## Stream Buffer and Stream Impact Areas

### **Installation of Storm drain and necessary outfalls, a WSSC Water Line and Mitigation Area**

#### **1. Reasonable alternatives for avoidance of the buffer are not available.**

- a) Reasonable design alternatives to avoid impacts to the stream buffer were thoroughly evaluated and found to be infeasible due to site-specific constraints and infrastructure requirements. The impacts involve the installation of storm drainpipes, associated outfalls and plunge pools, a WSSC waterline, and updated roadway connection and tying into an existing sewer line that resides within the stream valley buffer.
- b) Storm drains and associated outfalls:
  - i. Updated stormwater regulations and increased site density necessitate the use of a larger diameter pipes to accommodate higher runoff volumes. As a result, plunge pools are required to manage flow energy and prevent downstream erosion. The proposed alignments reflect these functional requirements while minimizing new disturbance.
  - ii. To be in compliance with the MDE SWM Design manual and City of Gaithersburg Code Article III - Stormwater Management, existing drainage patterns are to be maintained as much as possible during site development. Utilizing the two existing outfall locations on the City property, maintains the existing point of discharge from existing conditions.
  - iii. Additionally, the location of the westernmost storm drainpipe directly supports compliance with the City's 10-year stormwater management control requirement. Shifting the pipe alignment outside of the buffer would disrupt drainage flow patterns and require extensive regrading or additional infrastructure, resulting in greater environmental and construction impacts.
- c) WSSC waterline:
  - i. The Washington Suburban Sanitary Commission (WSSC) requires a public waterline connection through this corridor to link with existing infrastructure along Edgewood Drive. Due to the number of units proposed in the development, WSSC mandates two points of connection for adequate service and redundancy. This specific location provides the only viable route to meet that requirement while maintaining compliance with engineering standards and utility separation clearances.
- d) Roadway connection:
  - i. The impacted area currently contains an existing roadway connection, and any proposed improvement or redevelopment in this location, regardless of configuration, would inherently involve disturbance within the stream buffer. The alignment of the road is fixed due to the established transportation network and necessary site circulation, leaving no viable alternative that avoids buffer encroachment.

- e) Tying into existing sewer infrastructure:
  - i. Reasonable alternatives are not an option for Impact 3 because this area is needed to tie into an existing sewer line. An existing WSSC sewer is located within the stream valley buffer. Due to WSSC's standards a new manhole needs to be installed on-site for sewer connection. The existing WSSC sewer connection and easement is the closest connection point on the property. Therefore, there is no alternative location that would result in less impact to the stream valley buffer.
- f) Mitigation Area:
  - i. Any impact to the stream valley buffer requires the approval of an environmental waiver and enhancement and reforestation mitigation efforts are considered impacts. Because mitigation is required to offset impacts to stream valley buffers and City Staff is requesting the mitigation occur within the stream valley buffer being impacted, these impacts are unavoidable but result in a better final condition and contribute to the quality of the stream valley buffer and associated stream.

**2. Encroachment into the buffer and stream have been minimized.**

- a) Storm drains and associated outfalls:
  - i. Due to updated stormwater management code requirements and the proposal for increased site density, larger pipes, and plunge pools are necessary to accommodate the additional runoff and meet current standards. The use of one oversized pipe would have resulted in greater disturbance to the stream and stream buffer and triggered the need for 10-year storm control measures that were not viable given spatial limitations. To mitigate these hardships, the design incorporated two outfalls.
  - ii. Multiple design alternatives for the storm drain system were thoroughly evaluated (as mentioned in the example above). Existing underground utilities on-site posed significant constraints, making it most feasible to utilize the previously established storm drain alignments, which avoided conflicts with other infrastructure. Given the constraints of underground utilities, topography, and drainage divides, the current alignment represents the most practical and least impactful options. Shifting the alignment would require substantial re-grading and likely result in greater buffer disturbance elsewhere on the site.
- b) WSSC waterline:
  - i. Due to the requirement for two waterline connection points, this location is the only feasible option for establishing the second connection. The alignment and associated limits of disturbance for the waterline have been carefully refined to reduce buffer impacts as much as possible while still meeting design and regulatory requirements.
- c) Roadway connection:
  - i. Due to the location of the existing connection of O'Neill Drive to the City's property, any change to this connection would result in temporary impact to the

stream buffer. The area needed to update this connection to meet safety and regulatory standards has been minimized to the greatest extent possible.

- d) Tying into existing sewer infrastructure:
  - i. This impact area has been minimized to the maximum extent possible to be able to properly construct a connection while abiding by WSSC's standards to the existing sewer line that exists within the stream valley buffer.
- e) Mitigation Area:
  - i. The proposed mitigation area encompasses the majority of the stream valley buffer impact. By expanding the LOD to include both forested and unforested portions of the buffer, flexibility is maintained in selecting the mitigation approach, whether enhancement or reforestation, while also ensuring that impacts to the stream valley buffer can be fully addressed, even if design modifications occur during permitting or final engineering.

**3. Existing sensitive areas have been avoided (forest, headwaters, and wetlands and their designated buffers, floodplains, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).**

- a) During the site design process, careful consideration was given to the location and protection of existing sensitive environmental areas. The development plan was informed by both the existing site constraints and the vision established in the approved Master Plan, with a focus on minimizing environmental disturbance while enhancing the site's overall ecological function and utility serviceability. As a result, impacts to sensitive features were avoided to the greatest extent practicable. However, impacts to the stream and stream valley buffer are unavoidable due to essential utility infrastructure improvements.
- b) Storm drains and associated outfalls:
  - i. The alignments of the proposed storm drains were modified to address specific feedback from the City, which requested the outfalls be reoriented to achieve more perpendicular alignments to the stream. This design adjustment was intended to improve hydraulic performance and reduce localized erosion. To further mitigate potential impacts, plunge pools have been incorporated at the outfall to dissipate stormwater energy and ensure a non-erosive discharge into the receiving stream. Additionally, designs were re-evaluated to reduce the number of outfalls from three to two, reducing the overall impact to the stream valley buffer. While the installation of the storm drains and plunge pools will require the removal of some forested buffer, this area does not contain any specimen trees, and impacts have been minimized through careful design and alignment.

- c) WSSC waterline:
  - i. The proposed waterline installation will result in a temporary impact to the stream, which will be restored in kind upon completion of the work. All required state and federal permits will be obtained prior to initiating any disturbance, ensuring full compliance with applicable environmental regulations.
- d) Roadway connection:
  - i. The existing roadway connection is located in an area without environmentally sensitive resources, including forest, wetlands, or stream features. As such, maintaining this connection in its current location was the least impactful option and allowed for necessary site access and circulation improvements without introducing new disturbance to protected areas.
- e) Tying into existing sewer infrastructure:
  - i. The proposed connection to the existing sewer line within the stream valley buffer avoids impacts to existing sensitive environmental areas.
- f) All disturbances will be conducted in full compliance with applicable regulations, and all required state and federal permits will be obtained for impacts to jurisdictional waters and regulated buffer areas. Furthermore, a natural resources review confirmed that no rare, threatened, or endangered species are known to occur on the site, and no critical habitat will be impacted by the proposed work.

**4. *The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tie-outs to existing grades, slope stabilizing BMPs, etc.).***

- a) The proposed impacts are consistent with the preferred uses of the stream buffer, as they involve necessary modifications to existing infrastructure that need to be upgraded and utilized for the proposed redevelopment. No reasonable alternatives exist that would avoid these impacts.
- b) No additional impervious surface will be created as a result of the proposed impacts.
- c) While the project does involve the removal of forested buffer area, this disturbance is required to install storm drainpipes and plunge pools that are critical for managing stormwater flow and improving water quality. The design includes infrastructure specifically intended to protect the stream by reducing flow velocities and filtering runoff before it discharges. Although forest clearing is not typically a preferred buffer use, in this case, it is justified by the essential public utility function of the stormwater improvements and the long-term ecological benefit of stabilized, non-erosive outfalls that protect downstream resources.
- d) During the construction of any improvements, best management practices and appropriate BMPs will be utilized to minimize any erosion or sedimentation to regulated resources and the surrounding areas. Any work being done within and around regulated resources will be properly stabilized in accordance with regulatory

standards after construction is complete, this work is not considered to be compensatory mitigation for the impacts to the stream valley buffer.

- e) The mitigation that will be provided either through enhancement or reforestation within the stream valley buffer is consistent with the preferred use of the buffer.

**5. *The plan design provides compensation for the loss of buffers.***

- a) To mitigate the unavoidable impacts associated with the installation of the storm drain pipes, outfalls, and plunge pools, including an impact to a stream, the site has been designed to deliver long-term ecological uplift through ESD stormwater management methods, forest conservation measures, and mitigation at a 1:1 ratio through a combination of enhancement of existing environmental features and reforestation within the impacted stream buffer. The details and final acreage of mitigation will be determined through consultation with City Staff at the time of final engineering, in conjunction with ACOE and MDE through the JPA permitting process.

The existing impervious area where the storm drainpipe will be installed will be restored as an impervious parking lot. The applicant will pave the area of the parking lot that is disturbed, the timing of which will be coordinated with City Staff to ensure minimal disruption to community activities. This restoration, in combination with the implementation of enhanced stormwater management features (including appropriately sized outfalls and energy-dissipating plunge pools), will provide water quality benefits by reducing erosive flows and managing peak runoff discharges in compliance with current regulatory requirements.

Collectively, these measures mitigate for both stream buffer disturbance and the stream impact associated with outfall installation. They contribute to sustained watershed health, improved hydrologic function, and enhanced ecological integrity of the site and its surrounding landscape.

## Conclusion

The proposed redevelopment of the Rosedale Apartments presents a significant opportunity to transform an aging multi-family housing community into a modern, resilient, and inclusive neighborhood that aligns with the City of Gaithersburg's Master Plan and long-term sustainability goals. The Applicant has demonstrated that all reasonable alternatives to completely avoid impacts to the stream, stream valley buffer, and other environmentally sensitive features have been thoroughly evaluated and found infeasible due to site-specific constraints, including existing infrastructure alignments, required utility connections, and critical roadway configurations.

Where impacts are proposed, they have been minimized to the greatest extent practicable and are accompanied by mitigation at a 1:1 ratio within the stream valley buffer being impacted. The project will incorporate comprehensive Environmental Site Design (ESD) practices, modern stormwater management

facilities, stream valley buffer mitigation, and a Forest Conservation Plan that collectively results in improved ecological conditions both on and off site.

In addition to its environmental benefits, the project delivers critical safety improvements for the community. The realignment of O'Neill Drive and infrastructure upgrades will enhance vehicular circulation, provide safe pedestrian access, and improve emergency response access throughout the site which supports a walkable, connected, and resilient neighborhood.

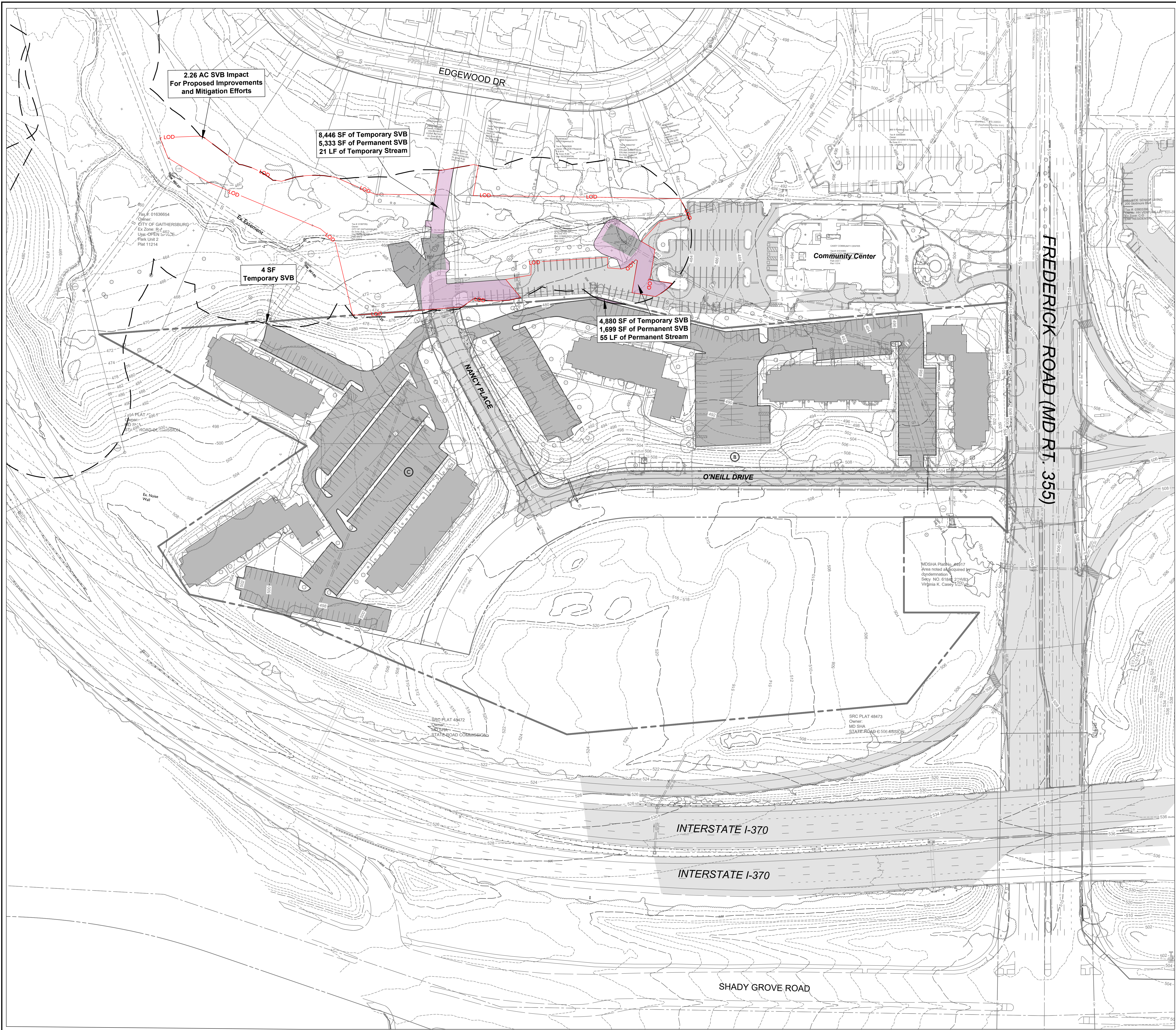
The waiver request satisfies all requirements under Section 38 of the City of Gaithersburg's Environmental Standards for Development, including: The absence of rare, threatened, or endangered species, as confirmed through coordination with MD DNR and US Fish & Wildlife; The project's consistency with state and local regulations, and commitment to obtaining all necessary permits; A determination that the waiver will not result in increased flood risk, public hazards, or measurable degradation of water quality; And a finding that denial of the waiver would result in unnecessary hardship, limiting the site's ability to meet essential housing, infrastructure, and safety needs. Approval of this waiver will allow for the advancement in goals for housing, sustainability, and public safety while ensuring long-term ecological stewardship of the site and surrounding watershed.

#### **Attachments**

#1 – Existing Site and Stream Buffer Conditions

#2 – Proposed Impacts to the Stream Buffer and Waterway with Preliminary Design

## *Attachment 1 - Existing Site and Stream Buffer Conditions*



- NOTES:**
1. THE SUBJECT SITE IS COMPRISED OF PARCELS AS SHOWN IN TABLE 1.0 BELOW: N738, N881, AND P490 LOCATED ON TAX MAP FS63 (PARCEL I.D. NOs: 09-00818176, 09-00818187, AND 09-00768787).
  2. THIS SURVEY IS IN THE MARYLAND COORDINATE SYSTEM (NAD 83/2011, SPCS ZONE 1900(MD), U.S. SURVEY FEET), BASED ON STATIC GPS OBSERVATIONS POST-PROCESSED BY THE NATIONAL GEODETIC SURVEYS ONLINE POSITIONING USER SERVICE (OPUS). CONTROLLING POINTS ARE RCI TRAVERSE STATION 9012. THE AVERAGE COMBINED (SCALE X ELEVATION) FACTOR FOR THE SITE IS 0.99994001 9012: NORTH 530.633.168 EAST 1.261.609.655
  3. ADJOINING PROPERTY INFORMATION IS FROM MARYLAND DEPARTMENT OF ASSESSMENT AND TAXATION RECORDS.
  4. PHYSICAL FEATURES SHOWN HEREON ARE BASED ON MAPPING PRODUCED USING PHOTOGRAMMETRIC METHODS BY MCKENZIE SNYDER, INC., LOCATED IN PURCELLVILLE, VA. MSI PROJECT # 23-076, WITH A DATE OF PHOTOGRAPHY BEING MAY 18, 2023, WITH THE EXCEPTION OF THE FENCE SHOWN ALONG THE EASTERLY LINES OF THE SUBJECT PROPERTY, WHICH WAS LOCATED BY FIELD RUN SURVEY BY RODGERS CONSULTING, INC. IN THE PROCESS OF CONDUCTING THIS BOUNDARY SURVEY.
  5. THE TOPOGRAPHIC INFORMATION IS SHOWN AT TWO-FOOT CONTOUR INTERVALS.
  6. TITLE REPORT (#19521) PREPARED BY POTOMAC TITLE CORPORATION.
  7. SEE NRI / FSD ENV-9654-2023, APPROVED ON 11/21/2023 AND NRI / FSD ENV-9609-2023, APPROVED ON 07/26/2023 FOR ADDITIONAL DETAILS RELATED TO EXISTING VEGETATION AND NATURAL FEATURES.
  8. OWNER: EUGENE B. CASEY FOUNDATION U/T/D (UNDER TRUST DEED)

**LEGEND**

EXISTING	
---	BOUNDARY LINE
---	INTERNAL LOT LINE
---	EXISTING CONTOURS
---	EXISTING TREELINE
---	EXISTING BUILDING
---	EXISTING CURB & GUTTER
---	EXISTING EDGE OF PAVEMENT
---	EXISTING STORM DRAIN
---	EXISTING SANITARY SEWER
---	EXISTING WATER LINE
---	EXISTING CABLE T.V.
---	EXISTING GAS
---	EXISTING TELEPHONE
---	EXISTING ELECTRIC
---	EXISTING TRAFFIC SIGNAL
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING TRAFFIC SIGNAL
---	EXISTING UTILITY POLE
---	EXISTING PEPCO POLE
---	EXISTING GLY WIRE
---	EXISTING LAMP POST
---	EXISTING LIGHT POLE
---	EXISTING ELECTRIC ACCESS PANEL
---	EXISTING ELECTRIC MANHOLE
---	EXISTING TELEPHONE MANHOLE
---	EXISTING STORM DRAIN MANHOLE
---	EXISTING SANITARY MANHOLE
---	EXISTING WATER MANHOLE
---	EXISTING FIRE HYDRANT
---	EXISTING WATER METER
---	EXISTING TELEPHONE VAULT
---	EXISTING ELECTRIC VAULT
---	EXISTING FIBER OPTIC
---	EXISTING PLANTING PITS
---	EXISTING STORM DRAIN STRUCTURE
---	EXISTING GAS VALVE
---	EXISTING WATER VALVE
---	EXISTING CLEANOUT
---	EXISTING STREAM
---	STREAM BUFFER
---	TEMPORARY IMPACT TO THE STREAM BUFFER
---	PERMANENT IMPACT TO THE STREAM BUFFER

EUGENE B. CASEY FOUNDATION

**RODGERS CONSULTING**

1987 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Pc: 301.948.4700 (Plan), Fc: 301.948.6254, www.rodgers.com

DESIGN TEAM  
Owner / Developer: **Casey Management Group, Inc. c/o Eugene B. Casey Foundation**  
16803 Crabbs Branch Way  
Rockville, Maryland 20855  
301.948.6500  
Attn: Donna Sheehan

Legal: **Seizer Gurvitch Rabin Wertheimer & Polot, P.C.**  
4416 East West Highway, 4th Floor  
Bethesda, Maryland 20814  
301.634.1348  
Attn: Bob Dalrymple

Civil Engineering: **Rodgers Consulting, Inc.**  
1987 Century Boulevard, Suite 200  
Germantown, Maryland 20874  
301.948.4700  
Attn: Matthew Wessel

Architect: **Niles Bolton Associates, Inc.**  
3800 N. Lee Street, Suite 502  
Alexandria, Virginia 22314  
202.721.5320  
Attn: Walter Pliskon

Title: **Wells + Associates**  
1420 Spring Hill Road, Suite 610  
Tysons, Virginia 22102  
703.677.6620  
Attn: Michael Workosky

Landscape Architect: **Rodgers Consulting, Inc.**  
1987 Century Boulevard, Suite 200  
Germantown, Maryland 20874  
301.948.4700  
Attn: Ryan White

SEAL & SIGNATURE

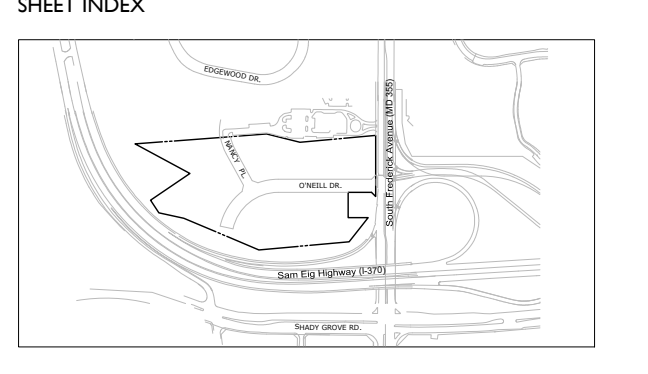
**CASEY-ROSEDALE PROPERTY**

**Environmental Waiver**

**Existing Conditions Exhibit**

City of Gaithersburg, Maryland, 9th Election District

Tax Map: FS63  
Parcels N738/N881/P940  
WSSC Grid: 222NW09



ISSUE DATE

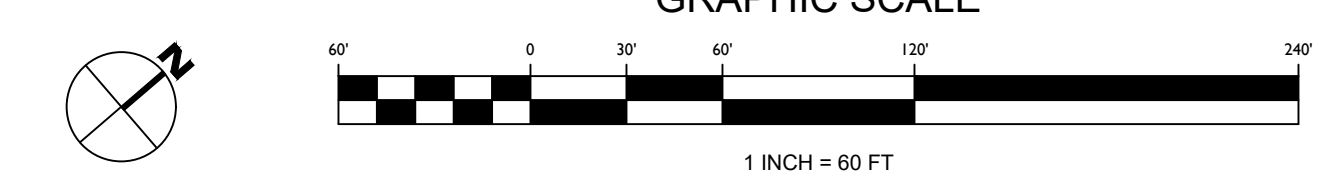
2025-04-16	1st City SDP Submission
2025-06-06	2nd City SDP Submission
---	---
---	---

REVISIONS

NO	DATE	DESCRIPTION

PROJECT NUMBER	0532E2
DATE	2025.06.06
SCALE	1" = 60'-0"
DRAWING TITLE	Existing Conditions
DRAWING NUMBER	

**EXISTING CONDITIONS PLAN**  
SCALE: 1" = 60'



1 INCH = 60 FT

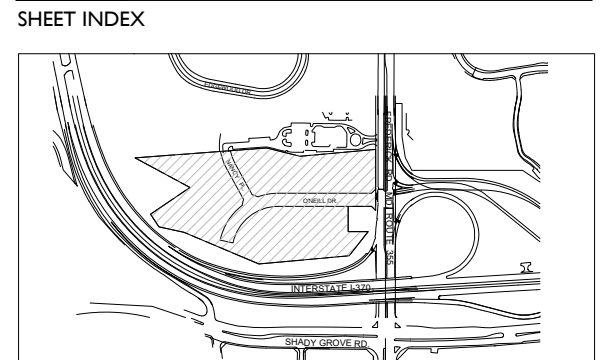
*Attachment 2 - Proposed Impacts to the Stream Buffer and  
Waterway with Preliminary Design*

- Site Boundary
- Potential SVB Impacts Limit of Disturbance
- SDP Limit of Disturbance
- Existing Contours
- Proposed Contours
- Buildings
- Intermittent/Perennial Stream
- Stream Valley Buffer (SVB) 100'
- Specimen Tree and Critical Root Zone
- Removed Specimen Tree and Critical Root Zone
- Forest Save
- Onsite Reforestation
- Forest Removal
- Offsite Reforestation
- Proposed Preliminary Temporary SVB Impact
- Proposed Preliminary Permanent SVB Impact

SEAL & SIGNATURE

**CASEY-ROSEDALE PROPERTY**  
**Environmental Waiver Exhibit**  
City of Gaithersburg, Maryland, 9th Election District

Tax Map: FS63  
Parcels N738/N881/P940  
WSSC Grid: 222NW09



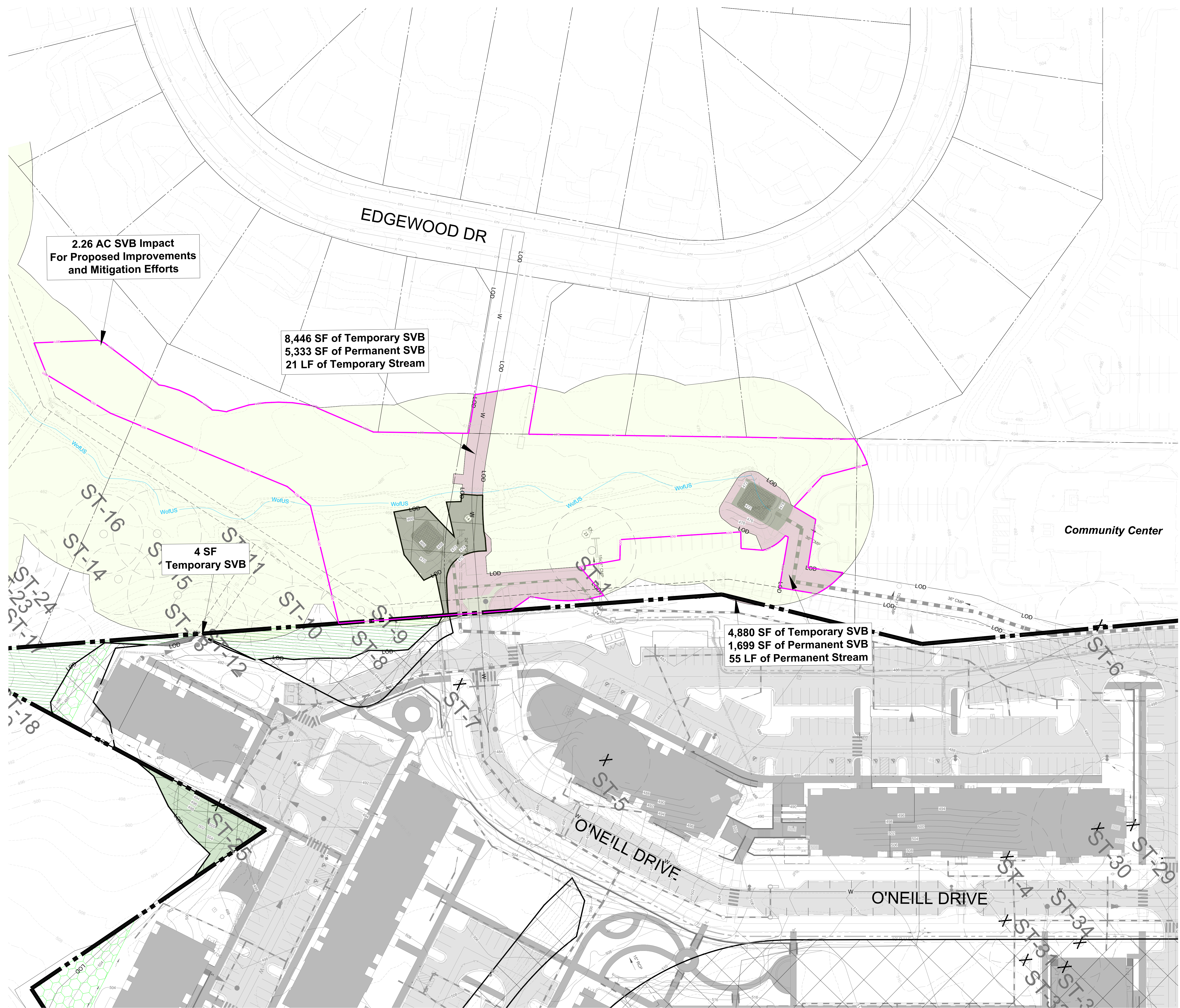
ISSUE DATE

REVISIONS NO	DATE	DESCRIPTION

PROJECT NUMBER	0532E2
DATE	6/6/2025
SCALE	1"=40'
DRAWING TITLE	Environmental Waiver Exhibit

Environmental Waiver Exhibit

DRAWING NUMBER



2.26 AC SVB Impact  
For Proposed Improvements  
and Mitigation Efforts

8,446 SF of Temporary SVB  
5,333 SF of Permanent SVB  
21 LF of Temporary Stream

4 SF  
Temporary SVB

4,880 SF of Temporary SVB  
1,699 SF of Permanent SVB  
55 LF of Permanent Stream

GRAPHIC SCALE

