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November 18, 2025

Via Email

The City of Gaithersburg
The Honorable Jud Ashman, Mayor
Members of the City Council
City Planning Commission
31 S. Summit Avenue
Gaithersburg, Maryland 20877

RE: Z-10030-2025, Rosedale Apartments Zoning Map Amendment with Schematic Development Plan (the "Application" or "SDP") – Eugene B. Casey Foundation's (the "Casey Foundation" or "Applicant") Response Statement to the October 20, 2025, Joint Public Hearing ("Response Statement")

Dear Mayor Ashman and Members of the City Council and City Planning Commission:

On behalf of the Applicant, please accept this letter as its response to the several questions raised during the October 20th Joint Public Hearing and that have been identified as in need of further discussion during the Planning Commission's meeting on December 3, 2025, and the Mayor and Council's policy discussion on January 5, 2026. Please see below for the Applicant's response to five (5) primary discussion points relating to the Applicant's proposed development of 434 multi-family rental dwelling units on the subject property (the "Project") that arose during the October 20th Joint Public Hearing:

1. Affordable Housing Waiver and Proposed Declaration of Covenant

In response to various questions relating to the Casey Foundation's requested waiver from the City's Affordable Housing Ordinance, we have provided a draft Declaration of Covenant that provides for the following:

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- Documents that the Applicant will restrict 75% of the units on the Property (± 326 income restricted units) to occupancy by qualified low- and moderate-income residents (50-80% Area Median Income as defined by IRS Rev. Proc. 96-32) (the “Income Restricted Units”).
- Runs with the land and is binding on any subsequent property owner.
- Requires that the Casey Foundation produce an annual report identifying all Income Restricted Units offered at the Project during the most recently completed year in accordance with IRS reporting requirements within thirty (30) business days of receipt of such a request from the City staff.
- Provides protections to the City should the provision of Income Restricted Units change in the future, either by the Casey Foundation or any subsequent property owner, such that the required proportion of the rental units restricted to occupancy pursuant to the IRS Guidelines is reduced to 15% or less, then the City’s Affordable Housing Ordinance requirements in effect at the time of such change shall be applied to the Property.

The Applicant will record the Declaration of Covenant in the Land Records of Montgomery County, Maryland prior to issuance of the first above-grade building permit for the Project.

2. **Strategy for re-location of existing current tenants during the phased development of the Project**

In response to questions raised relative to the Casey Foundation’s strategy for relocating tenants that desire to remain in the Project through the phased redevelopment, the Applicant plans to undertake the following:

- Communicate with tenants to identify the timing for beginning and completing construction on Phase 1 to solicit interest from tenants that desire to stay in the Project by relocating to Phase 1 well in advance of beginning demolition and construction on Phase 2. The Foundation has put existing tenants on notice of the proposed redevelopment since September of 2023. The Project is exempt from the City’s relocation assistance requirements because all leaseholders will be provided with at least eighteen (18) months prior notice to vacate as a result of the redevelopment contemplated by the Project in accordance with Section 13-38(1).d of the City Code.¹ Another formal notice will be issued to all tenants in 2026, and will restate that all tenants will have the opportunity to remain in the Project in brand new units delivered in Phase 1 at affordable rents.
- The Casey Foundation will not be responsible for moving tenants to new units in the Project but will provide tenants with sufficient time and opportunity to move their belongings to new units. The Casey Foundation will work with tenants to coordinate moving dates to

¹ The Foundation is exempt from Chapter 53A of the County Code as the Project does not involve the sale of rental housing or conversion of rental housing to for-sale condominium units.

ensure that tenants have efficient access to the hallways and elevators in an effort to minimize conflicts.

- In addition to providing advance and transparent information to tenants regarding opportunities to relocate and the timing for such relocation, the Applicant will reach out to local moving companies to request preferential rates for tenants in the Project. To the extent that that the Casey Foundation is successful in obtaining a commitment from a local moving company to provide preferential rates, it will provide such information to tenants desiring to relocate to new units in the Project.

In addition to the foregoing, the Applicant anticipates that it will commence construction activities with the following milestones (for illustrative purposes and subject to change):

- Construction staging and site preparation prior to construction of units in the Phase 1 limits: Early 2027
- Commencement of construction of new units in Phase 1 limits: Late 2027
- Occupancy and re-location of tenants to Phase 1 units: 2029
- Commencement of construction of units in Phase 2: 2030
- Occupancy of Phase 2 units: 2031

3. Questions relating to parking

In response to questions seeking to clarify the proposed parking ratio for the Project, the Applicant is proposing a parking ratio of approximately 1.39 parking spaces per dwelling unit. The City's Zoning Ordinance establishes parking requirements based on the number of bedrooms per unit. Based on the proposed bedroom mix in the Project, the total required parking equals 624 parking spaces. As part of the SDP, the Casey Foundation is requesting that Council establish a slightly lower parking ratio such that a total of 603 surface parking spaces are approved (i.e., 21 spaces fewer than required, which is a shortfall of only 3%). In addition, approximately 41 on-street parking spaces are proposed along the newly constructed O'Neill Drive right-of-way, bringing the total number of parking spaces available to 644 spaces.

The CD Zone permits the City Council to establish parking ratios at the time of Site Development Plan (SDP) approval. Pursuant to Section 24-4.4(F) of the Zoning Ordinance, the Applicant requested as part of this Application that the City Council approve a reduced parking ratio to allow for the 21-space reduction identified above. The Applicant notes that Section 24-7.3(B) defines a reduction of up to 10% or 35 spaces (whichever is less) as a minor reduction.

The Casey Foundation's modest parking reduction is justified for the following reasons:

- **Supplemental On-Street Parking**: The 41 on-street spaces along O'Neill Drive, while not counted toward the minimum requirement, will effectively serve residents and visitors of the Project. The total of 644 parking spaces (including both on-site and on-street spaces in the right-of-way) will adequately serve the Project without causing parking overflow into surrounding areas, including the Casey Community Center. The Project will be managed by on-site staff that monitors parking and will be in a position that tenants and their guests are not parking at the Casey Community Center.
- **Transit Accessibility**: The Property's proximity to existing bus routes, a planned Bus Rapid Transit (BRT) station, and Metro service reduces reliance on on-site parking. The proposed parking supply is consistent with the Project's residential character and anticipated tenant profile, which is expected to generate moderate parking demand given the unit mix and proximity to transit.
- **Site Design Considerations**: Site constraints, including topography, the need to provide stormwater management facilities, and the desire to create active amenity spaces, limit the ability to expand surface parking without compromising the site's environmental performance and overall livability. The proposed parking supply achieves an appropriate balance between functional necessity, sustainable design, and aesthetic quality. Parking areas have been strategically distributed to ensure equitable and convenient access for all residents, while minimizing excessive impervious surface.
- **Environmental Enhancements**: Some existing parking areas will be replaced with landscaping to comply with the City's tree canopy coverage requirements and to accommodate needed modern stormwater management—contributing to environmental sustainability and reduced heat island effects.

In summary, the Applicant's proposed 1.39 parking spaces per unit represents an appropriate and well-justified parking ratio that balances resident needs, environmental goals, and urban design considerations.

4. Noise study and potential mitigation techniques

The Property is buffered from I-370 by a combination of existing soundwall and existing tree cover located in the right-of-way. The existing forest buffer proposed to be preserved varies in width from +/-50' to +/-110' along the Property's frontage. The building layout has been designed to further minimize noise exposure by locating parking areas between the buildings and the I-370 right-of-way and locating the new buildings in the Project further away from I-370 than the existing improvements. Additional plantings are proposed along the perimeter of the parking areas to further enhance the buffer.

The Project will comply with Montgomery County noise regulations. A Phase I noise study was submitted with the Application to guide the SDP and inform the placement and design of buildings. Specific noise attenuation measures required to meet County standards will be finalized during the final site plan application phase. The Phase I noise study includes the following findings:

- While all nine (9) buildings have some areas with future noise impact exceeding 65 dBA Ldn, all buildings also have areas that are not impacted by noise exceeding 65 dBA Ldn.
- Even the buildings with the most/highest noise impact will not require further analysis for every unit in that building.
- Depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Where noise impact is significantly above 65 dBA Ldn, exterior wall modifications may also be necessary. As noise impact increases into the mid 70-s dBA Ldn, brick exterior construction should be considered where possible. Further analysis to determine the precise mitigation designs necessary will be conducted once architectural plans (building elevations, window/door schedule, unit plans) are further developed.”

5. Sustainable Design Features

A question was asked about the Casey Foundation’s plans to incorporate solar panels and electric vehicle (EV) charging stations into the Project. The design guidelines submitted with the Application allow for roof-top solar facilities, which will be determined by the Applicant at the time of Final Site Plan application. While the City’s Zoning Ordinance encourages the installation of EV charging stations, it does not require these EV charging stations to be installed as part of this Project. It is important the City recognize that the Project is self-funded by the Casey Foundation and will restrict 75% of the units to rents affordable to low- and moderate-income residents, which substantially limits the viability of EV charging stations and/or solar panels. To the extent that the Casey Foundation is able to secure a subsidy or grant to implement these sustainability design components, it will pursue implementation of these design elements at the time of Final Site Plan application.

Thank you for consideration of this Response Statement. The Applicant’s team will be present to discuss any questions relating to these responses at the upcoming public meetings.

Very truly yours,

Selzer, Gurvitch, Rabin, Wertheimer & Polott, P.C.

C. Robert Dalrymple

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Matthew M. Gordon

Matthew Gordon

cc: Members of the Planning Commission
Mr. Greg Mann
Ms. Laura Mehfoud
Mr. Matt Wessel