

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-045

Site Plan Amendment No. 82001012E

Traville Parcel N

Date of Hearing: May 5, 2022

MAY 18 2022

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan amendment under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on March 22, 2001 the Planning Board, by Resolution MCPB No. 14-993, approved Site Plan No. 820010120 for 1,030,000 square feet of Research and Development (R&D) land use, with a certified site plan including an implementation phasing schedule consisting of Phase I (500,000 square feet on Parcel M), Phase 1A and Phase 2 (530,000 square feet to be built on Parcel N), and an impervious limitation restricted to 18.6 acres established by a Final Water Quality Plan on 49.98 acres of Mixed Use Neighborhood (MXN) zoned-land, located on Darnestown Road, 500 feet east of Travilah Road including Parcel M and N ("Subject Property"), and in the 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, on May 22, 2003, the Planning Board administratively approved an amendment to the previously approved site plan, designated Site Plan No. 82001012A, for the construction of a temporary parking facility, which was to remain for 2-3 years in accordance with the future development of the Human Genome Sciences Parcels M & N on the Subject Property; and

WHEREAS, on September 28, 2006, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012B (MCPB No. 06-106), for modifications to the Site Plan Enforcement Agreement to extend the use of the temporary parking facility until November 2008 for the Universities of Maryland students; and

WHEREAS, on September 10, 2010, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012C (MCPB No. 11-74), to construct Building D, a 125,000 square foot development in accordance with Phase 1A (project was never constructed) on the Subject Property; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on January 25, 2021, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012D (MCPB No. 21-073), to build up to 200,000 square feet of research and development use and a 562-space garage on Parcel N within the Subject Property; and

WHEREAS, on December 3, 2021, ARE-Maryland No. 49, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to increase the height of Building A from 100 to 105 feet, construct a new building, Building B, containing up to 265,000 square feet of Research and Development use and construct a new 622-space parking garage on Parcel N of the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan Amendment No. 82001012E, Traville Parcel N ("Site Plan," "Amendment," 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 April 25, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 5, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Verma, seconded by Commissioner Cichy, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Patterson and Verma voting in favor with Commissioner Rubin being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82001012E to increase the height of Building A from 100 to 105 feet, construct a new building, Building B, containing up to 265,000 square feet of Research and Development use and construct a new 622-space parking garage by modifying the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan Amendment is limited to a maximum of 200,000 square feet of ~~total~~ development in Building A and 265,000 square feet of development in Building B for a total of 465,000 square feet of development on Parcel N of the Subject Property for research and development uses.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

2. Height

The development is limited to a maximum height of ~~100~~ 105 feet ~~for each building~~, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan.

Open Space, Facilities and Amenities

3. Green, Facilities, and Amenities

- c) Before the issuance of Final Use and Occupancy certificates for the commercial development, all green area amenities associated with ~~Building A Building B~~ and the garage on the Subject Property must be completed.
- d) The Applicant must submit a site plan amendment to implement the public use Open Space plan, consistent with the illustrative plan dated February 23, 2022, for the northeast corner of the Site no later than five years after the issuance of the final use and occupancy certificate associated with Building B.
- e) The Applicant must submit a site plan amendment to implement the Great Seneca Highway extension into the Site no later than five years after the issuance of the final use and occupancy certificate associated with Building B.

Environment

5. Forest Conservation & Tree Save

- f) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan as amended to encompass Building B.

6. Water Quality

- a) The development must comply with the conditions of the Montgomery County Department of Permitting Services Preliminary (MCDPS)/Final Water Quality Plan approval letter dated ~~July 6, 2021~~ January 11, 2022.
- b) The total impervious surface on Parcel M and Parcel N (the Subject Property), and Outlot O is limited to ~~13.46~~ 16.4 acres within the Piney Branch SPA, as shown on the Impervious Surface Plan dated ~~March 25, 2021~~ January 5, 2022. Overall impervious cap for Parcel M, N and Outlot O remains at 18.6 acres.

7. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept dated ~~July 6, 2021~~

January 11, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Transportation & Circulation

10. Parking

The Applicant must construct ~~a~~-structured parking garage ~~for Phase 1 P1,~~ containing a minimum of 562 parking spaces, and must construct structured parking garage P2, containing a minimum of 622 parking spaces.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide ~~34~~ 80 long-term and ~~6~~ 14 short-term bicycle parking spaces on Parcel N.

12. Right of Way

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way in its letter dated ~~May 27, 2021~~ January 7, 2022 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of the Site Plan Amendment approval.
- ~~b) Prior to Final Use and Occupancy permit for Phase 1, the Applicant must construct the median along Darnestown Road to prevent left turn movements into the existing internal Loop Driveway, to be determined or modified by MCDOT and MCDPS.~~
- ~~c) Prior to Final Use and Occupancy permit for Phase 1, the applicant must remove the existing portion of the internal Loop Driveway for Phase 1.~~

13. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated ~~May 24, 2021~~ January 28, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan Amendment approval.

Site Plan

14. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A10.1-A10.15 and A10.4, and A10.20-A10.25 of the submitted architectural drawings, as determined by M-NCPPC Staff.

18. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- f) Include the development program and all current and previous Planning Board approval resolutions.
- g) Provide a landscaping buffer between the on-street parking and the sidewalk along the east edge of the loop road.
- h) Extend the paving patterns at the drop-off area of Building B to the two curb cuts or provide a continuous, raised sidewalk at the two curb cuts to create an uninterrupted pedestrian crossing.
- i) Provide an outdoor seating area adjacent to the northeastern corner of Building B.
- j) Provide an architectural gateway element at the northeastern corner of Building B, the final design of which will be approved by Staff at the time of Certified Site Plan.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan Amendment No. 82001012E, Traville Parcel N, submitted via ePlans to the 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 having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed herein remain in effect.

- 1. the site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

Parcel N is subject to Development Plan Amendment DPA 01-3 that applies to the entire 192-acre area that includes Parcel M, Parcel N, and a number of other properties to the south and east of the Subject Property. DPA 01-3 (approved and adopted July 31, 2001) includes certain binding elements that supplement or supersede the development standards of the Zoning Ordinance that applies to the new development. The relevant binding elements include: (i) limit the overall amount of commercial floor area that can potentially be developed within the plan area to 1.3 million square feet; (ii) limit the amount of impervious surface coverage that is permitted (33%); and (iii) require the provision of a minimum amount of overall green space (62%).

The Subject Application meets these requirements by staying within the established commercial development cap. There is currently 500,000 square feet of commercial development on Parcel M with the remaining 530,000 square feet of allowed density being available to Parcel N. The previous Site Plan Amendment, 82001012D, approved an additional allocation of 200,000 square feet as part of Building A. This leaves 330,000 square feet of available commercial density for Parcel N at the time of this application. Building B, proposed as part of this Application, will have a square footage of 265,000 square feet, leaving 65,000 square feet of commercial density available for any future development. As required by the original Site Plan for the Property (No. 820010120), the impervious area cap of 18.6 acres remains in effect in the current site plan. Per the Impervious Surface Exhibit submitted with the Application, Parcels M, N and Outlot O will have 16.4 acres of impervious surface, below the maximum allowed of 18.6 acres. As required by the Development Plan, Parcels M, N and Outlot O must have a minimum of 62% green area. Per the Green Area Exhibit submitted with the Application, Parcels M, N and Outlot O will provide 35.08 acres or 70% green area.

- 2. the site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Subject Property is currently zoned CRT-0.5, C-0.5, R-0.25, H-100 T. However, the Subject Application is being reviewed under the old MXN zoning standards that were in place at the time of the original site plan in 2001.

The Project complies with the purpose and development standards of the MXN Zone as set forth in Section 59-C-7.71 et seq. of the 2004 Zoning Ordinance. In particular, the Project addresses specific development standards as follows:

- Section 59-C-7.751 establishes setbacks and building heights.

The Site Plan Amendment data table demonstrates how the Project complies with the applicable setback and height requirements.

- Section 59-C-7.752 requires compliance with external access and internal circulation standards.

The Project does not modify the current external access and circulation plans that were approved under Site Plan No. 82001012D. It does, however, accommodate more robust access and circulation opportunities once the campus master plan is implemented. Internal circulation will be improved by the development of Building B and its associated pedestrian improvements.

- Section 59-C-7.753 requires the provision of facilities and dedications consistent with the Master Plan.

The Master Plan does not require any additional dedications or easements from the Property and the Application is providing the required side path facility along Darnestown Road.

- Section 59-C-7.754 requires internal compatibility of uses and development.

Proposed Building B is compatible with the adjacent and confronting uses, including existing development on Parcel M and the previously approved Building A. The design of the building façade for Proposed Building B will be consistent with the existing character of the surrounding area. The structure itself is compatible in scale with the nearby buildings and is located such that it will not adversely impact existing adjacent uses.

- Section 59-C-7.761 green area requirements.

The 2004 Zoning Ordinance requires a minimum of 50% green space; however, DPA 01-3 increased this requirement for Parcels M and N to 62%. Per the Green Area Exhibit submitted with the Application, the Property will provide 70% green area.

- Section 59-C-7.77 establishes off street parking standards.

Per Section 7.7.1.B.3.b of the 2014 Zoning Ordinance, this Application is subject to current parking requirements, which, as discussed below, have been met.

Development Standards - The Site Plan Amendment meets all of the requirements of the zone in which it is located. The Site Plan Amendment meets the development standards in the MXN Zone under the previous Zoning Code, as well as parking and loading requirements of the current Zoning Code, as shown on the following table:

Table 2 - Site Plan Data Table

MIXED USE NEIGHBORHOOD (MXN) ZONE DEVELOPMENT STANDARDS			
TRACT SIZE			
PARCEL M	28.09 AC		
PARCEL N	18.18 AC		
Outlot O Plat 21961	2.34 AC		
TOTAL	48.61 AC		
DEVELOPMENT/ SITE PLANS STANDARDS	DPA 01-3(G-718)	82001012D	Approved 82001012E
		200,000 sf approved on Parcel N 200,000 sf in Bldg. A	465,000 sf on Parcel N 200,000 in Bldg. A 265,000 in Bldg. B
		(1,030,000 sf total approved – 500,000 sf on Parcel M – 200,000 sf in Bldg. A = 330,000 sf of density remaining)	(1,030,000 sf total approved – 500,000 sf on Parcel M – 200,000 sf in Bldg. A – 265,000 sf in Bldg. B = 65,000 sf of density remaining)
DENSITY (MAX) (Parcel M, N and Outlot O)	0.46 FAR	0.33 FAR	0.45 FAR
SETBACK (MIN)	N/A	N/A	N/A
HEIGHT (MAX)	N/A	100 ft	105 ft ²
GREEN AREA (MIN) (Parcel M, N and Outlot O)	62%	77%	70%
IMPERVIOUS AREA (MAX) (Parcel M, N and Outlot O)	18.6 acres (33%)	13.16 acres	16.4 acres
PARKING ³ (Life Sciences Research and Development Use)			
VEHICLE PARKING (Parcel N)			
MIN (1 per 1,000 sf)	N/A	200 SPACES	465 SPACES
MAX (3 per 1,000 sf)	N/A	600 SPACES	1,395 SPACES
PROVIDED		588 SPACES ⁴	1,213 SPACES
	MIN	MAX	PROVIDED
PARKING GARAGE P1	200	600	564 ⁵
PARKING GARAGE P2	265	795	622
BICYCLE PARKING			
LONG Term	N/A	34	80
SHORT Term	N/A	6	14

² As part of this amendment, the height maximum for both Building A and Building B is being increased to 105 feet.

³ According to Section 7.7.1.B.3.b of the current Zoning Ordinance, “An applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.2) in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4.”

⁴ Included 562 spaces in Parking Garage P1, 22 on-street parking spaces along the Loop Road, and 4 surface parking spaces.

⁵ Minor adjustment made as part of subject amendment to increase spaces provided in Parking Garage P1 to 564.

Table 3 - Project Density Tracking Table

Density Tracker						
Plan #	820010120	82001012A	82001012B	82001012C	82001012D	82001012E
Density (max)	1,030,000 sf approved (500,000 sf constructed only on Parcel M)	n/a	n/a	125,000 sf approved (never constructed)	200,000 sf (proposed for Parcel N, Building A)	265,000 sf (approved for Parcel N, Building B)
Area	Parcel M & N 48.61 ac	Parcel M & N 48.61 ac	Parcel M & N 48.61 ac	Parcel M & N 48.61 ac	Parcel N 18.18 ac	Parcel N 18.18 ac
Total Density Remaining	65,000 sf available for future development on Parcel N and no density is available for Parcel M					

3. *the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

Building A, Parking Garage P1, Building B, Parking Garage P2, open spaces, landscaping, and circulation systems are safe, adequate, and efficient and are appropriate for the character envisioned by the 2010 *Great Seneca Science Corridor Master Plan*. As conditioned, these elements provide easy access to Buildings A and B and Parking Garages P1 and P2 from adjoining sidewalks and parking. New sidewalks along the loop road and within the Subject Property will provide safe and efficient connectivity within the buildings on campus and to nearby areas of interest such as the Universities at Shady Grove. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns on the Site.

4. *each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and*

Buildings A and B are compatible with the adjacent and confronting uses as well as pending development. The design of Buildings A and B and Parking Garages P1 and P2 will be consistent with the existing architectural character of nearby development. The structure is appropriately scaled when compared with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

5. *the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Environmental Guidelines

Traville Parcel N is part of the much larger Traville development encompassing approximately 192 acres in what is now the LSC South District of the *Great Seneca Science Corridor Master Plan*. A Natural Resources Inventory/Forest Stand Delineation for the Traville site was approved by Planning Staff on September 11, 1995, and re-certified on August 2, 1999. At the time of the Preliminary Plan approval (Prelim. Plan 119970220), there were 95 acres of existing forest in the area covered by the Preliminary Plan, as well as streams and stream buffers, wetlands and wetland buffers, steep slopes, 100-year floodplains, and a population of endangered *Krigia dandelion*. Traville Parcel N is part of a smaller development area covering approximately 50 acres that includes both Parcel M and Parcel N. Parcel M has already been developed with three large lab/office buildings, originally occupied by Human Genome Sciences, and now owned by Glaxo-Smith Kline. Parcel N is largely undeveloped.

A small area of environmental buffer extends into the southeastern portion of Parcel N. The submitted Site Plan Amendment keeps all buildings, parking, roads, and stormwater management facilities out of the buffer.

A small encroachment (approximately 0.05 acres) into the buffer for the installation of a stormwater outfall was approved under Site Plan Amendment No. 82001012D, with mitigation required to replace the lost buffer function.

The Special Protection Area requirements of the *Environmental Guidelines* also require that buffers in the SPA must be forested; therefore, the Applicant is required to afforest any portion of the stream buffer on their property that is not currently forested.

The submitted Site Plan Amendment is in conformance with the *Environmental Guidelines*.

Forest Conservation

Forest conservation requirements for Traville Parcel N have also been addressed as a part of the overall Traville Development site. All forest conservation requirements have been met through the preservation of existing forest and planting of forest within stream buffers that run through the larger Traville site, with Parcel N included on the Overall Forest Conservation Plan. The original Site Plan for this portion of Traville, No. 820010120, includes a note stating that "All reforestation requirements have been met for this site as represented on the 'Traville Overall Final Forest Conservation Plan.'" The Applicant has included a graphic with their submission showing the areas of forest preservation that fulfill the Forest Conservation Law requirements. The Site Plan Amendment for Parcel N includes an amended Final Forest Conservation Plan for the Applicant's portion of the overall FFCP showing the additional buildings and infrastructure on the site.

The FFCP amendment is in compliance with Chapter 22A, Forest Conservation.

Water Quality Plan

Because this site lies within the Piney Branch Special Protection Areas, approval of a Water Quality Plan is required. The Water Quality Plan approval is shared by the Montgomery County Department of Permitting Services (MCDPS) and the Montgomery County Planning Board. MCDPS is responsible for approving the stormwater management plan for the site. The Montgomery County Planning Board is responsible for determining that impervious areas are minimized in the site design.

While the Piney Branch SPA does not include an imperviousness cap, previous approvals for the Traville development do impose a maximum imperviousness cap of 33% for the entire site. The initial requirements were established during the review and approval of LMA G-718. A maximum imperviousness amount was distributed to individual sites throughout the overall Traville development to ensure that the development would remain under the 33% cap. Parcel M and N were combined into one area for purposes of the imperviousness distribution. The Water Quality Plan for Site Plan No. 820010120 stipulated that these two sites together are restricted to a maximum impervious cover of 18.6 acres. The Applicant has submitted exhibits showing that prior to development of Buildings A and B the impervious cover on Parcels M and N was 10.06 acres. Site Plan Amendment 82001012D increased the total imperviousness on the site to 13.16 acres. This Site Plan Amendment, 82001012E, includes new buildings and impervious surfaces that will bring the total imperviousness to 16.4 acres, which is below the maximum of 18.6 acres allowed.

Among the site design approaches used to minimize imperviousness on Parcel N are compact building footprints and the use of structured parking. The initial Site Plan Amendment submittal included surface parking that came very close to the stream buffer. The switch to structured parking makes a significant difference in the impervious area on the site and should help protect water quality.

MCDPS recommended approval of the Site Plan in ePlans on January 14, 2022. MCDPS has authority over the review and approval of the Stormwater Concept Plan, including their portion of the Water Quality Plan analysis and approval.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 MAY 18 2022 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Vice Chair Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Verma, Commissioners Cichy and Patterson voting in favor, and Commissioner Rubin abstaining, at its regular meeting held on Thursday, May 12, 2022, in Wheaton, Maryland.



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