

Montgomery Planning

DEMOCRACY CENTER
PRELIMINARY PLAN NO. 120250020
SITE PLAN NO. 820250020
FOREST CONSERVATION PLAN NO. F20250070



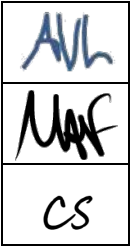
The Applicant proposes to subdivide the property and construct a 7-story multifamily building with up to 386 units as infill development on existing office development. The development will include the 671,350 square feet of existing commercial development (to remain) and up to 472,710 square feet of new residential development, with 15% Moderately Priced Dwelling Units (MPDUs), privately-owned public open space, bicycle improvements, and public benefits to support the requested incentive density.

COMPLETED: 1/6/2025

PLANNING BOARD HEARING DATE: 1/16/2025

MCPB ITEM NO. 06

Planning Staff



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LOCATION/ADDRESS

Located at the northwest quadrant of the intersection of Fernwood Road and Rockledge Drive in Rock Spring

MASTER PLAN

2017 *Rock Spring Sector Plan*

ZONE

CR -1.5, C-1.25, R-0.75, H-200

PROPERTY SIZE

Preliminary Plan and FCP – 15.35 acres

Site Plan – 5.89 acres

APPLICANT

Democracy Center MF, LLC

ACCEPTANCE DATE

9/20/2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary:

- Staff recommends approval with conditions.
- On May 30, 2024, the Planning Board approved Sketch Plan No. 320240050 for the addition of a new residential building on an existing office development.
- The Applications propose to create two lots for up to 472,710 square feet of new residential development (up to 386 units) with 15% MPDUs and 671,350 square feet of existing office development.
- Site Plan No. 820250020 covers the proposed residential development. The office development is covered by Site Plan No. 819810301B.

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SECTION 1: EXECUTIVE SUMMARY

The Project includes three applications. Preliminary Plan No. 120250020 subdivides the existing parcel into two lots – one for the proposed residential development and privately-owned public open space and the second for the existing office development, which will remain in its current configuration. Site Plan No. 820250020 covers the proposed residential development and privately-owned public open space. Forest Conservation Plan No. F20250070 covers the existing parcel, with all planting requirements fulfilled off-site.

The proposed development adds multifamily residential as infill development to an existing office development. The residential development will be constructed on an undeveloped open space adjacent to the existing office buildings and will use the existing vehicular circulation system. The proposed development helps fulfill the vision of the 2017 *Rock Spring Sector Plan* by continuing the transformation of an existing office park into a mixed-use area.

The proposed development also contributes to the community by providing a new 1.3-acre privately-owned public open space, which will provide much needed active recreation facilities. This open space will include a variety of courts as well as open lawn, a nature-based play area, and a plaza with game tables. Landscaping frames the proposed residential development and creates a transition between the public spaces and private residential areas.

Additionally, the Project will provide a limited interim road diet along the Subject Property frontage from the Property's northern property line boundary south to Westlake Terrace/Fernwood Road. Concrete curbs with tree pits will be installed within the existing right-of-way to provide separated bike lane on each side of the road.



Figure 1 - Overview of Plan

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250020

Staff recommends approval with conditions of the Preliminary Plan to subdivide the existing parcel into two lots for up to 1,144,060 square feet of total development, comprised of up to 671,350 square feet of commercial development on Lot 2 and up to 472,710 square feet of residential development on Lot 1. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120250020 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions¹.

GENERAL APPROVAL

1. This Preliminary Plan is limited to 2 lots for up to 1,144,060 square feet of total development, comprised of up to 671,350 square feet of commercial development² on Lot 2 and up to 472,710 square feet of residential development with 386 multifamily dwelling units, including a minimum of 15% MPDUs, on Lot 1.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5). Plan Validity Period
3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 13, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 letter dated December 17, 2024, and incorporates them as

¹ For the purposes 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 The commercial space can be changed to other commercial or civic uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. 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 December 10, 2024 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

TRANSPORTATION

Frontage Improvements on Existing Roads

8. The Applicant must dedicate and show on the record plat(s) all land necessary to support the master planned right-of-way for West Lake Terrace Road, as shown on the Certified Preliminary Plan.
9. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of the Rockledge Drive Interim Road Diet, as shown on the Certified Site Plan.

Off-Site Improvements

10. Before the release of any above ground building permit, the following off-site improvements (including the portion along the Project’s Rockledge Drive frontage) must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements:
 - a. Rockledge Drive Interim Road Diet from Westlake Terrace to the Subject Property northern property line/Lockheed Martin south driveway. This includes reducing the number of lanes to two travel lanes and one center turning lane accommodated within existing medians and incorporating separated bike lanes and street buffers from Westlake Terrace to the northern Subject Property Line/Lockheed Martin southern driveway, as described in the MCDOT approval letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
11. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose a fee-in-lieu , if reviewed and approved by Planning Staff and MCDOT.

RECORD PLATS

12. There shall be no clearing or grading of the site before recordation of plat(s).
13. The record plat must show necessary easements.

14. The record plat must reflect common ingress/egress and utility easements over driveways and parking shared between Lot 1 and Lot 2.
15. The record plat must include the book and page number for the access easement agreement for the access driveway and surface parking lot.

CERTIFIED PRELIMINARY PLAN

16. The certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
17. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Modify the site access driveway design so that the sidewalk is carried flush across to maintain the grade, slope, and materials of the adjacent sidewalk on each side.
 - c) Show a directional ADA compliant pedestrian curb ramps on the south leg of the intersection of Rockledge Drive and the site access driveway to provide an east to west connection across Rockledge Drive.
 - d) Remove references to dedication reservation along Westlake Terrace.

SITE PLAN 820250090

Staff recommends approval of Site Plan No. 820250090 for the construction of up to 472,710 square feet of new residential development (up to 386 units) with 15% MPDUs. The development must comply with the conditions of approval for Sketch Plan No. 320240050 as listed in the MCPB Resolution No. 24-054 dated May 30, 2024. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.³

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 472,710 square feet residential uses, for up to 386 multifamily dwelling units.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Public Open Space, Facilities, and Amenities

The Applicant must provide a minimum of 57,174 square feet of public open space on-site.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) Major Public Facilities

Before release of final Use and Occupancy certificate, the Applicant must construct the privately-owned public open space, as shown on the Certified Site Plan.

b) Transit Proximity based on being located within ½ mile of two future BRT stations.

c) Diversity of Uses and Activities

i. Affordable Housing/MPDUs.

- a. The development must provide 15 percent MPDUs, or MCDHCA -approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs.

³ For the purposes 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.

- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - ii. Dwelling Unit Mix
 - a. The Applicant must integrate a mix of residential unit types with at least 29 efficiency units, 31 1-bedroom units, 31 2-bedroom units, and 20 3-or-more bedroom units, with the final unit mix approved by the Planning Board shown on the CSP.
 - b. Before issuance of any Use and Occupancy certificate, the Applicant must provide as-built floor plans to MNCPPC and a copy of the approved layout to DPS Zoning & Site Plan Enforcement.
 - d) Quality Building and Site Design
 - i. Exceptional Design

The Applicant must provide exceptional design by creating an outstanding relationship between the privately-owned public open space and the multifamily building, as shown on the Certified Site Plan.
 - ii. Structured Parking

The Applicant must provide a minimum of 465 parking spaces within an above-grade structure.
 - e) Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.60476 BLTs to the MCDPS and M-NCPPC staff.
5. Recreation Facilities
 Before the issuance of the final Use and Occupancy certificate, the Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP).
6. Maintenance of Public Amenities
 The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to privately-owned public open space.

ENVIRONMENT

7. Noise Attenuation
 Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
- a. The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b. Before the final Use and Occupancy certificate for any residential unit, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in

accordance with the certification of the engineer that specializes in acoustical treatments.

8. If any changes occur to the Site or Preliminary plan which affect the validity of the noise analysis dated May 31, 2024, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
9. Before issuance of any Use and Occupancy certificate for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
10. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective renters that those units are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents. A copy of this notification must be provided to the Planning Department and Montgomery County Department of Permitting Services, Site Plan Enforcement Section prior to the issuance of a Use and Occupancy certificate or final inspection, whichever is relevant, for any noise impacted residential unit.

TRANSPORTATION & CIRCULATION

11. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 5, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide one hundred long-term and ten short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before final Use and Occupancy certificate.
 - i. The Interim Rockledge Drive Interim Road Diet: separated bike lanes (master plan recommended width of six and a half-foot-wide) and street buffers (master plan recommended width of no less than four-foot-wide) on both sides of Rockledge Drive

from Westlake Terrace to the northern Subject Property Line/Lockheed Martin southern driveway. The final design will be determined by MCDOT prior to the issuance of Right-of-Way permit.

13. Fire and Rescue

- e) 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 December 10, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- f) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

SITE PLAN

14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A5-01 and A5-02 of the submitted architectural drawings, as determined by M-NCPPC Staff.

15. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by

M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public ROW), including, but not limited to: plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, fences, railings, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

17. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

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:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Include approved Fire Department Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.

- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Show noise impacted units.
- g) Specified site furniture and materials may be substituted with equivalent alternatives (of same or better quality), through coordination with Planning Department staff, without requiring a Site Plan amendment.
- h) Adjust public benefits granted for the provision of 15% MPDUs to 30 points.
- i) Adjust public benefits granted for BLT payments to 5.44 points.

FOREST CONSERVATION PLAN F20250070

Staff recommends approval of Forest Conservation Plan (FCP) F20250070 with the following conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. 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.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed or Priority Area to satisfy the reforestation requirement of 2.34 acres of mitigation credit. If no off-site forest banks exist within the Cabin John watershed or Priority Area, then the off-site requirement may be met by purchasing 2.34 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Cabin John watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
 - b) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.

5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 42 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property or “Property” (outlined in red in Figure 1) is located in the northwest quadrant of the intersection of Rockledge Drive/Fernwood Road and Westlake Terrace in the Rock Spring area. The spur of I-270 is directly to the west of the Property and diagonally to the west is Westfield Montgomery Mall and Transit Center. While the surrounding area is comprised of predominantly commercial and office uses, a townhouse development, Montgomery Row, is located to the east on Westlake Terrace/Fernwood Road. ELP Bethesda at Rock Spring (also known as the Grandview) is a recently approved continuing care/retirement community, with associated retail and restaurant uses, south of the Property across Westlake Terrace.

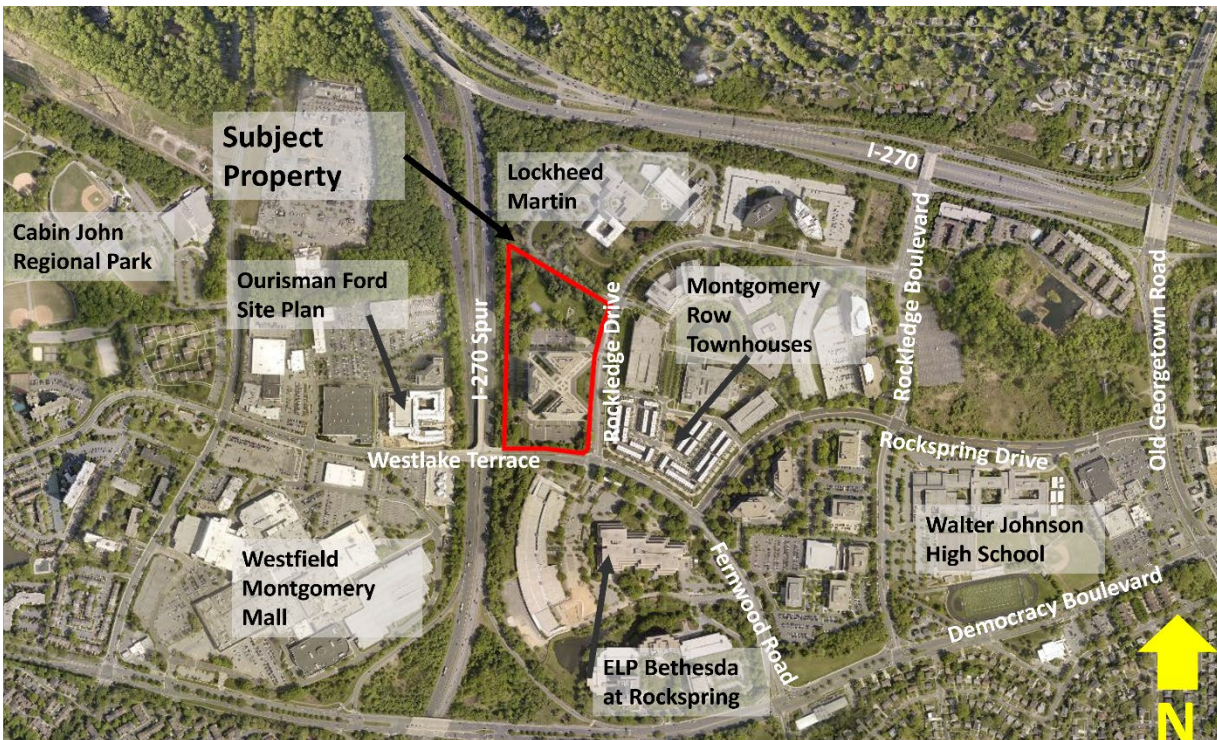


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

For Preliminary Plan No. 120250020 and Forest Conservation Plan No. F20250070, the Subject Property is approximately 15.35 acres in size and is zoned CR-1.5, C-1.25, R-0.75, H-200 and is outlined in black on Figure 2. The Property is recorded on Record Plat No. 12853 as Parcel 10, as a resubdivision of Rock Spring Park Outlot A.

The area subject to Site Plan No. 820250020 is smaller than the overall Preliminary Plan and Forest Conservation Plan limits as it is comprised of the smaller unimproved open space adjacent to the existing office development. The Site Plan area covers approximately 5.89 acres and is designated as Lot 1 on Preliminary Plan No. 120250020 and shown in red shading on Figure 2. The Site Plan area does not include the existing office development (to remain).

The Property has public road frontage on three sides:

- Rockledge Drive, to the east;
- Westlake Terrace/Fernwood Road, to the south; and
- Interstate 270 (I-270) spur, to the west, a grade-separated, access-restricted interstate highway.

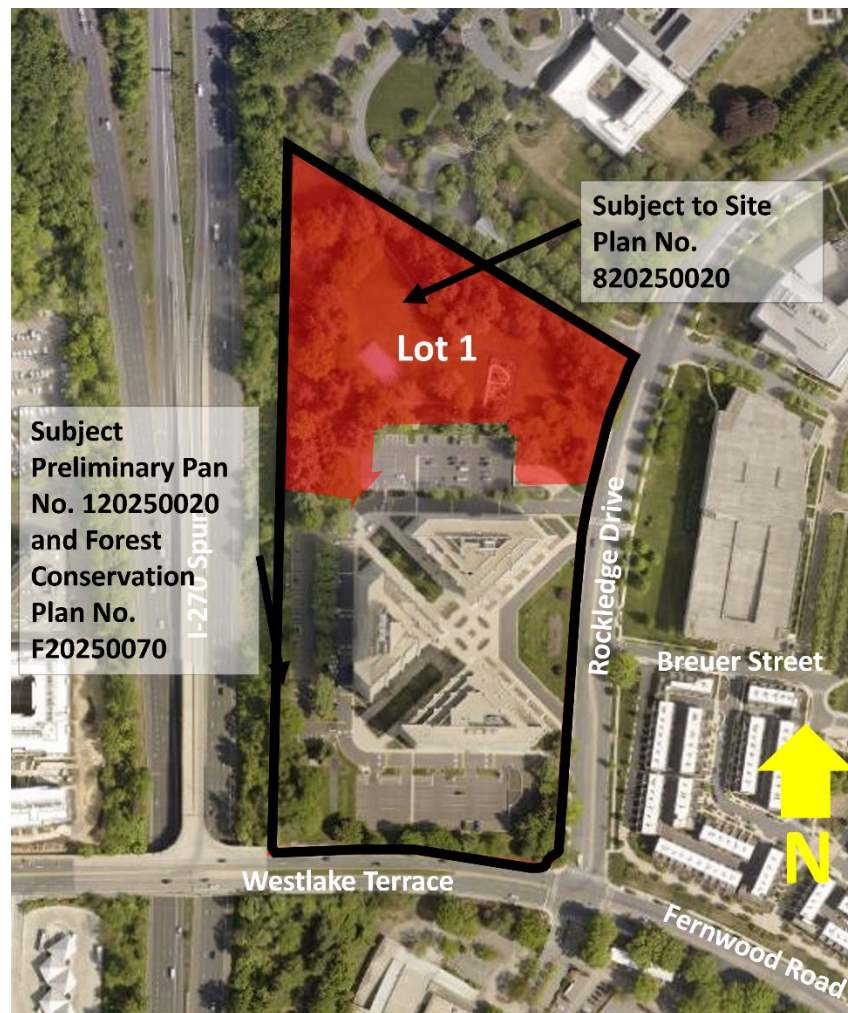


Figure 2 - Subject Property

The Property is currently developed with three triangular-shaped office buildings, Two Democracy Center (15 stories) is flanked on either side by One and Three Democracy Center, each with nine

stories. The three buildings include 671,350 square feet of existing commercial development (to remain). The Property includes a total of 1,773 parking spaces with 304 surface parking spaces and 1,649 below-grade parking spaces. All vehicular access is from Rockledge Drive.

The Site Plan area is currently an undeveloped portion of the property that includes a playground, basketball court, and walking paths.

There are no sensitive environmental features or forest on the Property. While the developed portion of the Property is relatively flat, the undeveloped area is approximately 10-15 feet higher than the Rockledge Drive frontage to the east.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRELIMINARY PLAN NO. 119792670

On January 30, 1980, the Planning Board approved Preliminary Plan No. 119792670 for 660,000 square feet of office development.

SITE PLAN NO. 819810300

On June 16, 1983, the Planning Board approved Site Plan No. 819810300 to build three office buildings with 660,000 square feet of office use. An administrative revision to Site Plan No. 819810300 increased the allowable development to 716,400 total square feet, of which the existing 671,350 square feet of commercial uses present today was constructed.

SITE PLAN NO. 81981030A

On August 21, 2012, Site Plan Amendment No. 81981030A was administratively approved to add a generator pad with a standby generator, enclosure, and associated landscape screening.

SITE PLAN NO. 81981030B

On December 12, 2023, Site Plan Amendment No. 81981030B was administratively approved to add 1,040 square feet of lobby space and revise the landscaping and public open space.

SKETCH PLAN NO. 320240050

On May 30, 2024, the Planning Board approved Sketch Plan No. 320240050, memorialized in Resolution No. MCPB No. 24-054, to construct a multifamily residential building with up to 472,710 square feet of residential uses, including 15% MPDUs, and retain the existing 671,350 square feet of office development. The Application included a privately-owned public open space on approximately 1.3 acres.

PROPOSAL

PRELIMINARY PLAN

Preliminary Plan No. 120250020 proposes to subdivide the 15.35-acre Property into two (2) lots. Proposed Lot 1 is 5.89 acres and will contain the proposed residential development and the privately-owned public open space. Proposed Lot 2 is 9.46 acres and contains the existing office development and associated circulation and parking. The Preliminary Plan includes approximately 0.042 acres of ROW dedication from Lot 2 for Westlake Terrace.

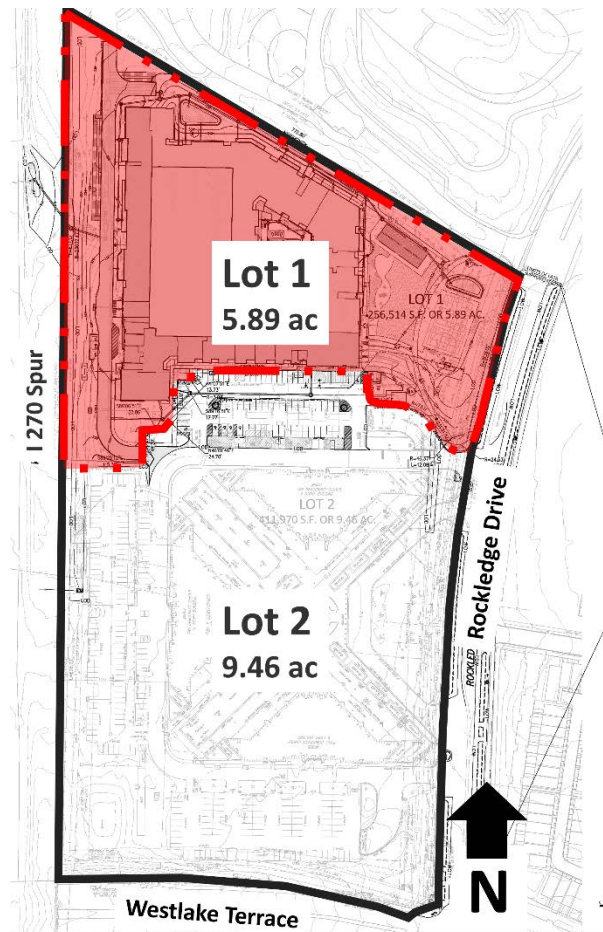


Figure 3 - Preliminary Plan No. 120250020

SITE PLAN

Site Plan No. 820250020 covers proposed Lot 1 for the residential development and the privately-owned public open space. Lot 2, which includes the office development and associated circulation and parking, will continue to be regulated by Site Plan No. 81981030B.

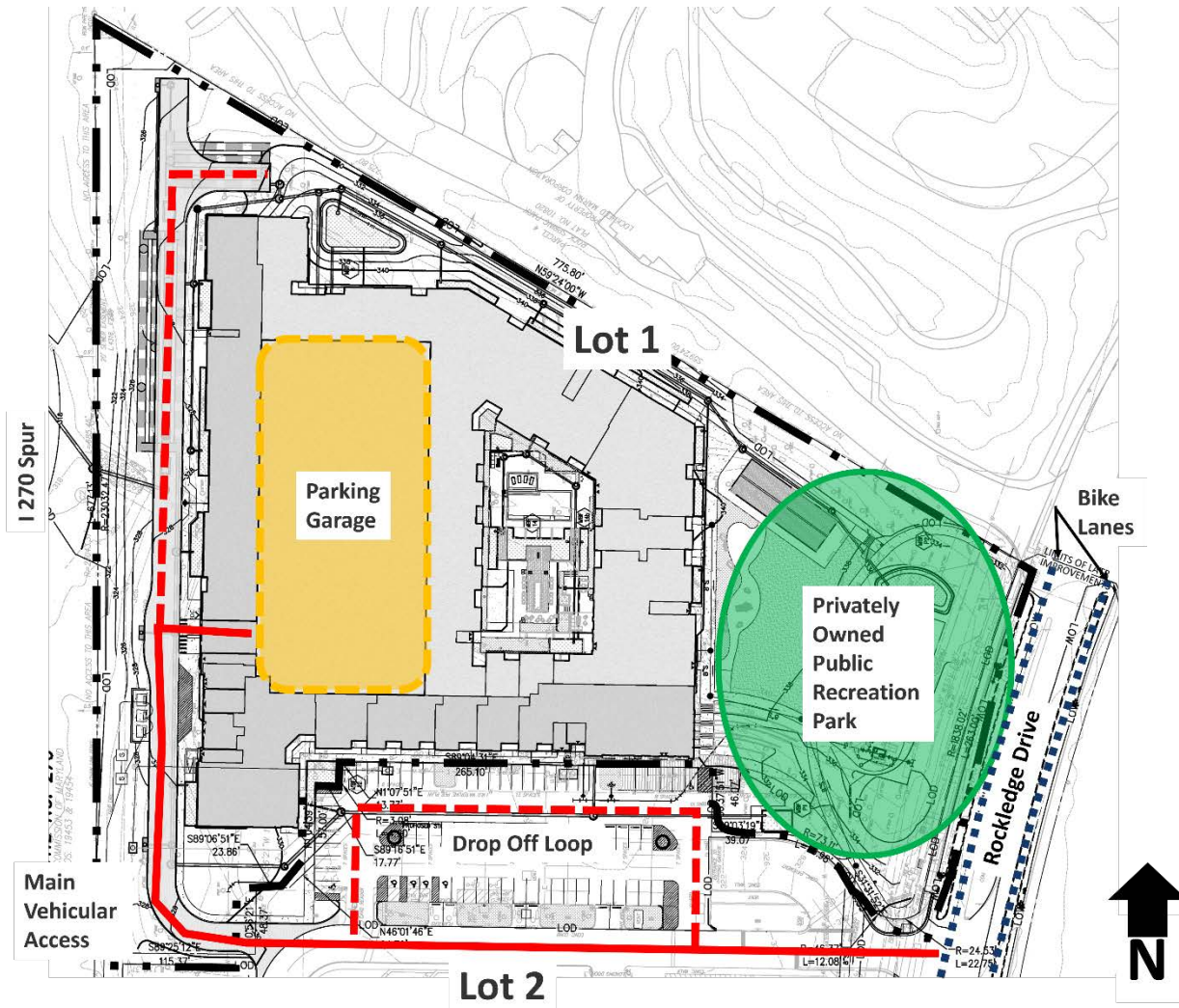


Figure 4 - Site Plan No. 820250020

The proposed residential building is set back from Rockledge Drive to accommodate an approximately 1.3-acre privately-owned public open space. All vehicular access is from an existing entrance on Rockledge Drive, across Lot 2. Rockledge Drive frontage improvements include new bike lanes on the east and west sides. A drop off loop provides access and parking for the leasing office at the southeast corner of the building. While the drop off loop and leasing parking is located on Lot 2, it will be constructed by the Applicant and covered by an access easement. The building encloses both a

parking garage and a courtyard amenity space. Access to the parking garage is from the western arm of the main vehicular access drive, which also provides access to the loading and trash area and fire and rescue turnaround facilities.

BUILDING/ARCHITECTURE

The proposed seven (7) story residential building has a modern architectural style that is compatible with the surrounding office development and fully encloses a parking garage. The variety of materials creates a more residential scale building by breaking up the massing and adding visual interest.



Figure 5 – South Façade

The southern building façade includes the main entrance to the leasing and lobby spaces, with indoor amenity space above. This area is highlighted by the choice of materials and difference in fenestration, giving prominence to this important shared area. Ground level units include direct access to the exterior, with stoops providing a presence and a transition zone.



Figure 6 - West Façade

The western building façade includes the garage entrance and loading and trash areas. The materials used reflect the primary exterior viewpoint being from the I-270 spur. The units on this façade do not have exterior access due to the location along the access road.



Figure 7 – North Façade

The northern façade continues the pattern of stacked bays, with the vertical aspect reinforced by the arrangement of balconies and horizontal connection of materials. Some of the ground floor units include patios but do not have exterior access due to the locations of stormwater management facilities and proximity to the property line.



Figure 8 – East Façade

The eastern façade emphasizes the amenity space with increased fenestration and prominent material choices. Residential units are connected to the adjacent privately-owned public open space with stoops, patios, and balconies. The direct connections will help activate the open space.

OPEN SPACE

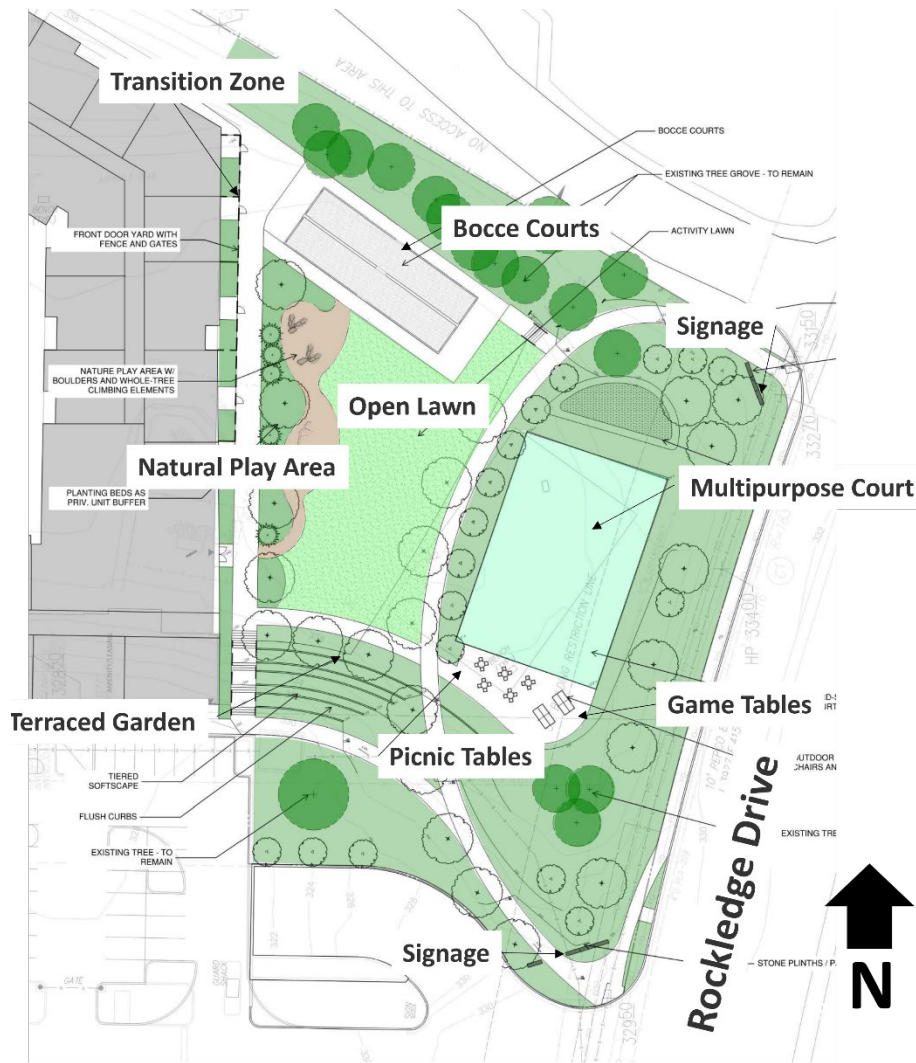


Figure 9 - Privately-owned Public Open Space

The development will provide a privately-owned public open space to benefit the residents and surrounding community. Two entrances into the open space, including wayfinding signage, lead into the space from Rockledge Drive and provide pedestrian access to the park. The path system is designed to be ADA-accessible and helps to both shape and divide the space into multiple areas. The open space includes multi-sport hard-surface courts that can be used for basketball or racket sports. Picnic and game tables provide meeting and activity nodes. An open lawn area transitions to bocce courts and nature-based play areas. Landscaping and low fencing create a transition zone from public space to the private residential development, while also serving as a divider. The Applicant has coordinated with the Montgomery County Parks Department on the design of the space and recreation features included.

The development also includes an internal, private courtyard, with a pool and barbecue area, to serve as recreation and amenity space for the residents.

TRANSPORTATION

Vehicular access to the site is provided via a single existing driveway on Rockledge Drive. The driveway is a shared access to both the Subject Property and the office use located directly to the south. This driveway access is not located on the subject property. However, there will be an access agreement ensuring the Subject Property use of the driveway and the adjacent northern surface parking lot.

The driveway access splits just west of the property line, providing an entrance to below-grade parking for exclusive use by the existing office. An existing surface lot is also accessed via the driveway, which provides some limited parking for the Subject Property. An extension of the driveway will be constructed as part of the Project, providing access along the western side of the Subject Property where the entrance to the Project's parking garage will be located as well as an outdoor loading space adjacent to an internal trash room and separate move-in staging room.

The proposed six-level parking garage, which is wrapped by the building, will provide 465 parking spaces including required ADA, EV, and motorcycle and scooter parking spaces.

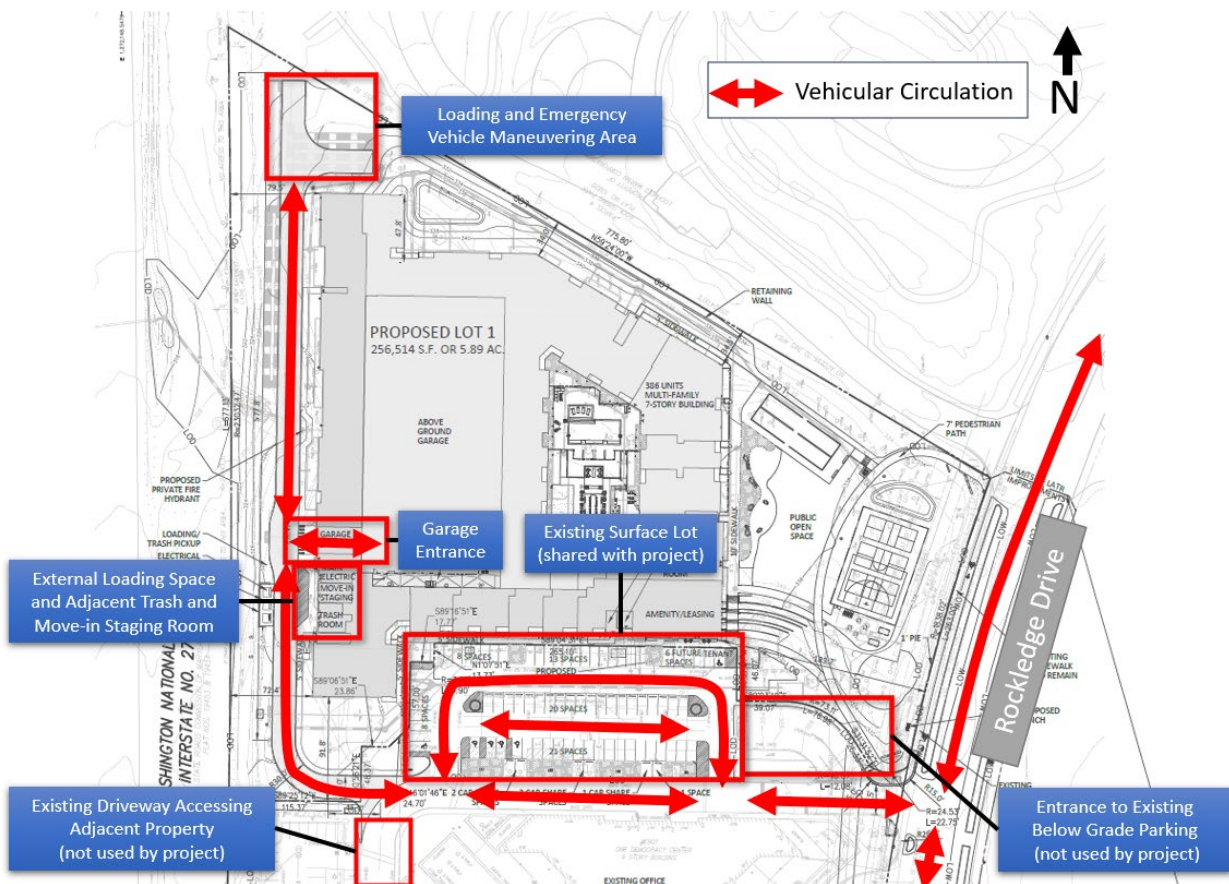


Figure 10 – Vehicular Circulation

Six (6) parking spaces and five (5) car share spaces will be located on the surface parking lot on Lot 2, which will be reconfigured through the development of Lot 1.

Bicycle and pedestrian access to the site is provided via frontage improvements on Rockledge Drive. The 2017 *Rock Spring Sector Plan* and associated 2019 *Rock Spring and White Flint 2 Design Guidelines* call for a road diet along Rockledge Drive. This reduces the number of through lanes from four to two to be able to accommodate one-way separated bike lanes on each side of the road within the existing 80-foot right-of-way. The ultimate cross-section is shown in Figure 11.

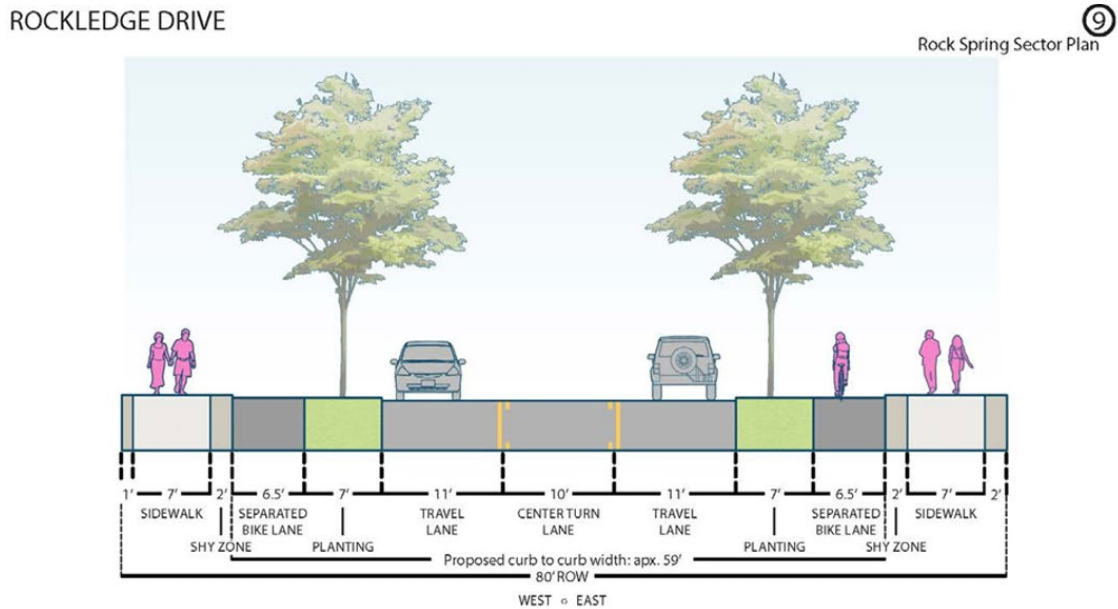


Figure 11 – Rockledge Drive Cross-section from Rock Spring and White Flint 2 Design Guidelines

The Project will provide a limited interim road diet along the Subject Property frontage from the Property’s northern property line boundary south to Westlake Terrace/Fernwood Road. The existing curb and sidewalk on both sides of the road will remain where they are currently located. However, concrete curbs with tree pits will be installed within the existing right-of-way to provide separated bike lanes on each side of the road. This design results in the reduction of travel lanes from four lanes to two lanes with a small center median and center turn lane, as shown in Figure 12.

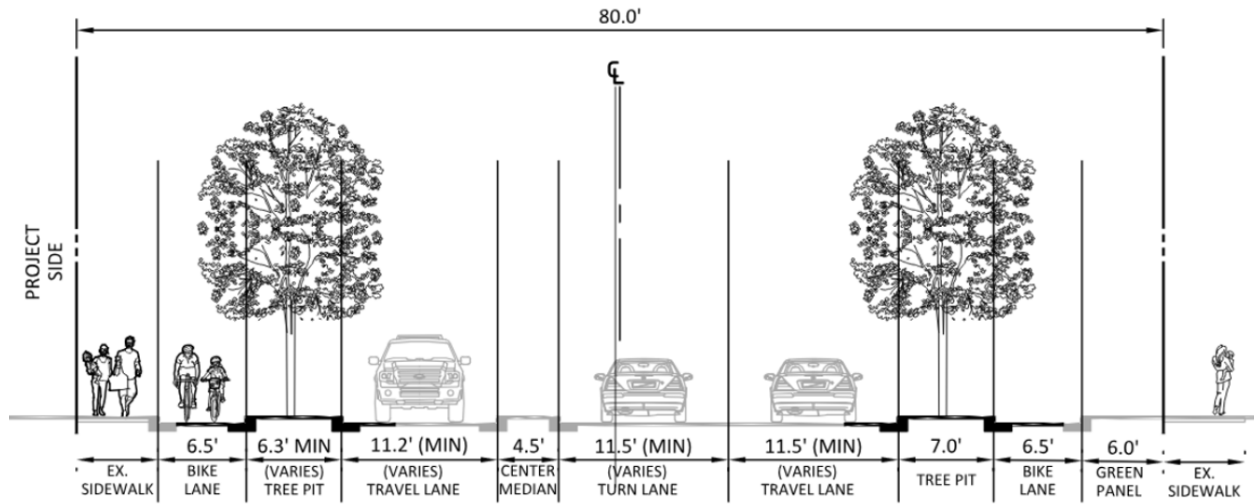


Figure 12 – Rockledge Drive Interim Road Diet Cross-section

The bike lanes will connect to another separated bike lane facility located on the south side of Westlake Terrace/Fernwood Road which is being constructed as part of the ELP Bethesda at Rock Spring project (Nos. 120210040 & 820210190).

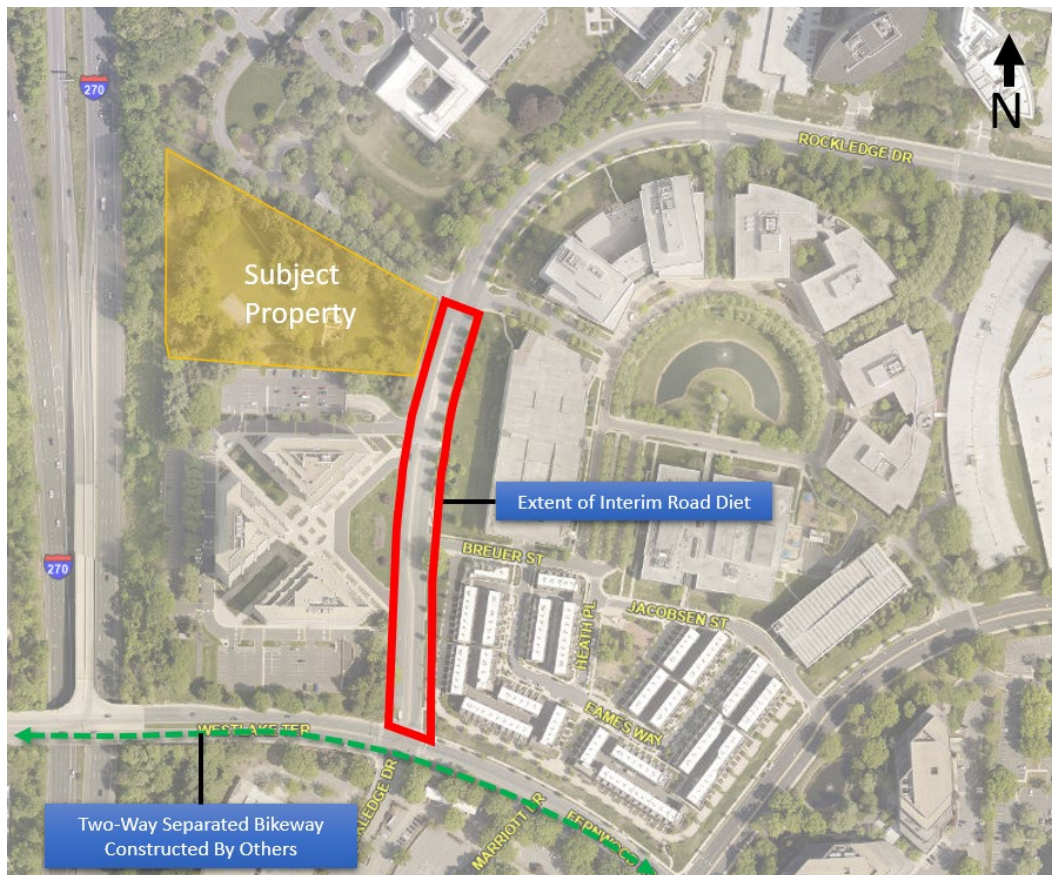


Figure 13 – Rockledge Drive Interim Road Diet Extents

Short-term bike parking will be provided near the southeast corner entrance to the proposed building and within the open space area. Long-term bicycle parking is provided in a separate bike room located within the building on the first floor.

Pedestrian paths are provided within the proposed open space and along the south and east side of the proposed multifamily building. Sidewalks are also provided along a portion of the north and west side of the building as well, providing access to building entrance locations.

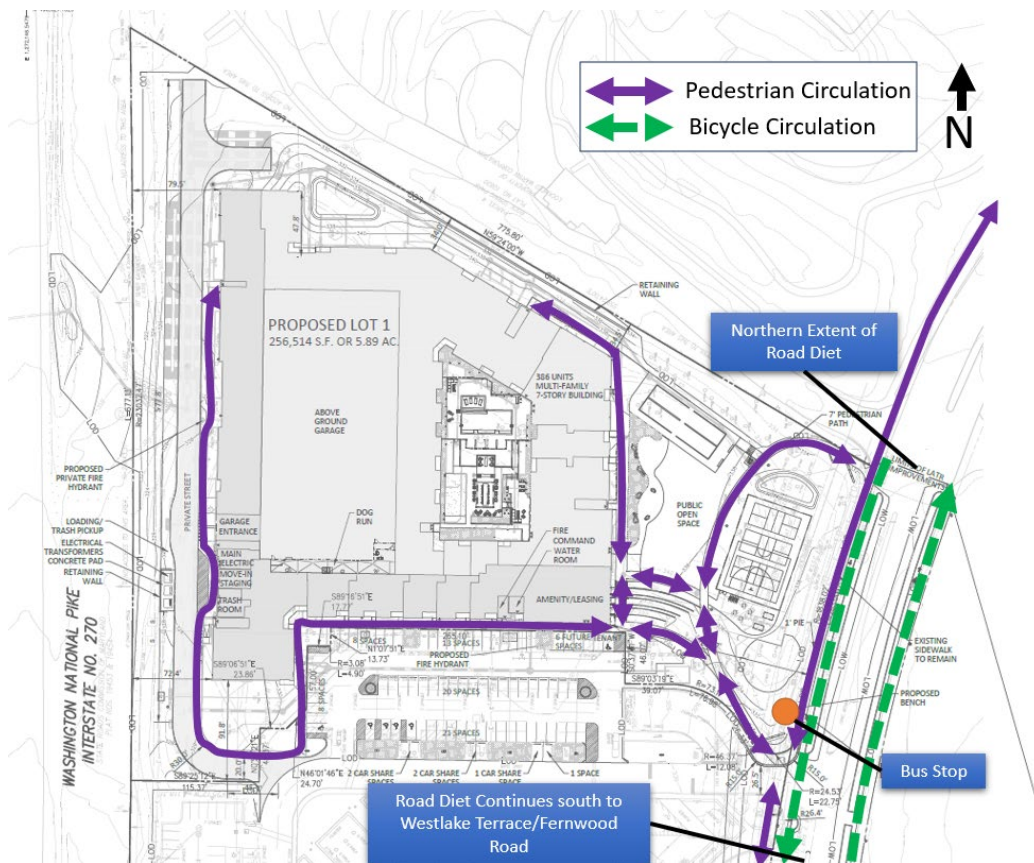


Figure 14 – Non-Motorized Circulation

The Subject Property is well served by transit. There is an existing bus stop located on the southeast corner of the site which will be improved by adding a bench to the current flag stop. The stop is served by WMATA Route J1 which provides service between the Montgomery Mall Transit Center and Silver Spring Metrorail Station. A bus stop located on the opposite side of Rockledge Drive to the south is served by WMATA Route J1 and Ride On Routes 96, which provided service between Grosvenor Metrorail Station and Montgomery Mall Transit Center, although service to the mall is limited to midday service only. A bus stop located on the opposite side of Rockledge to the north is served by Maryland Transit Administration Routes 505 and 515. Route 505 provides commuter bus service between Hagerstown and Fernwood Road / Rock Spring Drive. Route 515 provides commuter bus service between the North Fredrick Park & Ride and Fernwood Road / Rock Spring Drive. The Project is also located within a ½ mile of the Montgomery Mall Transit Center.

ENVIRONMENT

The Subject Property is currently developed with an office building and associated parking and undeveloped area with mature trees, a playground, a basketball court, and a walking path. There are no forest, streams, or other environmental features on the Property. The Property is impacted by transportation noise from the I-270 spur, directly adjacent to the west. Enhanced construction materials will mitigate the impacts of the noise on interior residential spaces. The proposed residential building will block the privately-owned public open space from the transportation noise.

While the residential development will cause the removal of large and specimen trees, it includes a landscape plan with native canopy trees that will help replace the existing tree canopy. Redevelopment close to transit, using existing infrastructure, is a long-term environmental benefit of infill development like the proposed residential building.

Noise

As part of the Preliminary and Site Plans for the overall Project, a Noise Analysis was prepared for the Property by Phoenix Noise & Vibration, LLC and the results were provided in a report dated May 31, 2024, with an update dated September 30, 2024 (Attachment B). A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas in the urban ring, freeway, and major highway corridor areas.

The units with the highest level of noise impacts are along I-270 with less impact on units more eastward. Mitigation is being proposed through architectural methods including door, window, and wall upgrades to meet maximum indoor noise levels.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on June 20, 2024 at 6:30 PM over Zoom. Community issues included questions about the location of parking and availability for public use, as well as the accessibility of the privately-owned public open space.

As of date of this Staff Report, no correspondence has been received.

SECTION 6: PRELIMINARY PLAN 120250020 FINDINGS AND ANALYSIS

The Preliminary Plan proposes to create two (2) lots for a maximum density of up to 671,350 square feet of commercial development and 472,710 square feet of residential development. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

a) The block design is appropriate for the development or use contemplated

Preliminary Plan No. 120250020 is using an existing block and is appropriate for the development contemplated as it uses existing circulation patterns to serve the development.

b) The lot design is appropriate for the development or use contemplated

The Preliminary Plan subdivides the existing parcel into one (1) lot for the existing commercial office use and one (1) lot for the proposed multifamily residential building. The proposed lot design allows for the residential use as infill development with the retention of the existing commercial development.

c) The Preliminary Plan provides for required public sites and adequate open areas

i. Master Planned Sites

The 2017 *Rock Spring Sector Plan* (Sector Plan) prioritized community open space and active recreation at the Democracy Center property (Subject Property). Page 59 of the Sector Plan states:

Should the existing structures on the site [Democracy Center] be razed and the property redeveloped, the existing open space on the northern portion of the site should be considered for the public uses described in Chapter 6, including

parkland...If infill is contemplated under optional method development, complete removal of the existing open space on the northern portion of the site should be discouraged. The portion of the northern open space to be preserved should be considered for conversion to parkland, either through dedication as part of the public open space requirement or a public benefit. (Sector Plan, p. 59)

Although the Project proposes to redevelop the existing open space on the northern portion of the site, the Applicant is prioritizing open space and active recreation by providing a 1.3-acre on-site park space. The park – which will remain open to the public and will include a multisport court, two bocce courts, an open lawn area, a playground area, seating areas with picnic tables, a path system including a perimeter loop, and the retention of deciduous trees to the maximum extent practical. This will provide a much-needed activated and open green space for the future residents and surrounding area. Thus, the Preliminary Plan meets the Sector Plan recommendation for adequate open areas and public sites.

ii. ***Local Recreation***

The Preliminary Plan proposes providing onsite recreation facilities that complement the existing nearby recreational inventory. Besides the facilities described above in the privately-owned public open space, the residential building includes a courtyard with a swimming pool and outdoor amenities, as well as an indoor fitness room.

iii. ***Transportation and Utilities***

The Applicant proposes to use and provide upgrades to existing transportation facilities and install dry utilities to adequately serve the Project. Additional discussion of these items is provided in the subsequent section.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The Preliminary Plan meets the dimensional requirements for the CR zone as specified in the Zoning Ordinance and as shown in Table 1 below, in relation to maximum density, height, and minimum open space. The proposed lotting plan meets the dimensional requirements for the CR zone. The final number, configuration, and location parking spaces for the development will be approved with Site Plan No. 820250020.

Table 1: Democracy Center Preliminary Plan Data Table for CR -1.5, C-1.25, R-0.75, H-200 Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	732,003 sf (16.80 ac.)
Prior Dedication	n/a	63,519 sf (1.46 ac.)
Proposed Dedication	n/a	1,813 sf (0.04 ac.)
Site Area	n/a	666,484 sf (15.35 ac.)
Lot 1	n/a	256,514 sf (5.89 ac)
Lot 2	n/a	411,970 sf (9.46 ac)
Total Residential Density (GFA/ FAR)	549,002 sf (0.75)	387,467 sf (0.53)
Lot 1		387,467 sf (0.53)
Lot 2		0 sf
Total Commercial Density (GFA/FAR)	915, 004 sf (1.25)	671,350 sf (0.92)
Lot 1		0 sf
Lot 2		671,350 sf (0.92)
Total Mapped Density (GFA/FAR)	1,098,005 sf (1.5)	1,058,817 sf (1.45)
Remaining Mapped Density		39,188 sf (0.05)
MPDU requirement	15%	15%
MPDU Bonus Density (GFA/FAR)		
Lot 1	22%	85,243 sf (0.12)
Lot 2	NA	0 sf
Total GFA/FAR	1,183,247 sf (1.62)	1,144,060 sf (1.56)
Public Open Space	66,849 sf (10%)	66,849 sf (10%)
Lot 1		57,174 sf (9%)
Lot 2		9,675 sf (1%) ⁴

2. The Preliminary Plan substantially conforms to the Master Plan.

a) Land Use

The 2017 *Rock Spring Sector Plan*'s vision for the Rock Spring area is to promote the long-term transformation of the central core (the office park), particularly for properties that have direct access to the central spine. Page 35 of the Sector Plan identifies the Subject Property as part of the central spine.

The overarching land use goals of the Sector Plan are (p. 20):

- Establish a redevelopment framework that provides a greater mix of uses and amenity options for businesses and their employees, as well as residents, both in the short and long term.
- Strengthen the viability of existing uses.

⁴ Balance of required public open space will be provided on Lot 2 in connection with a future Major Site Plan Amendment.

- Create opportunities for infill or redevelopment of single-use commercial areas and surface parking lots with a greater mix of uses and public spaces that will reshape Rock Spring into a well-integrated community.

The Project proposes infill development of a currently single-use commercial area, thus providing a greater mix of uses to the Sector Plan area. It also provides a 1.3-acre privately-owned public open space, introducing a new activated open space into the sector plan area. At the same time, maintaining the existing office building while complementing it with a residential offering helps strengthen the viability of existing uses.

Specifically, the Subject Property is located within the Rock Spring Central/Mixed-Use Business campus cluster of the 2017 *Rock Spring Sector Plan* (Sector Plan) and was rezoned through the Sector Plan from EOF-1.25, H-150' to CR-1.5, C-1.25, R-0.75, H-200' to help achieve the vision for the Plan area. Page 17 states:

The Plan envisions Rock Spring as an employment center that includes new housing, where appropriate, with concentrations of retail at each end of the central spine. New development and redevelopment should focus activity along the proposed central spine. (Sector Plan, p. 17)

The Project adds 386 dwelling units (with 15% MPDUs) to the area while maintaining the existing commercial operating on Lot 2. Thus, the proposed Preliminary Plan is in compliance with the land use goals for the CR-1.5, C-1.25, R-0.75, H-200' zone that the Sector Plan recommended.

b) Environment

The overarching environmental and sustainability goals of the Sector Plan are (p. 20):

- Increase tree canopy through new development and redevelopment.
- Promote site and building design for energy conservation and LEED certification.
- Minimize impervious surfaces and maximize pervious areas.
- Improve air quality by reducing reliance on single-occupant vehicles.
- Make attainment of net zero carbon emissions an aspirational goal in all new development and redevelopment.

The Applicant intends to retain the number of existing deciduous trees to the amount practical on the site in order to provide a well-shaded neighborhood park, which will help contribute to the overall tree canopy on the Project. The 1.3-acre park will also minimize impervious surfaces with the provision of an open lawn space. Finally, the Project is obtaining public benefit points for protection and enhancement of the natural environment, achieved through the purchase of Building Lot Terminations (BLTs) which helps to meet the environmental goals of the Sector Plan.

c) *Transportation*

The overarching transportation and connectivity goals of the Sector Plan are (p. 20):

- Create a safe, low stress, and “complete streets” pedestrian and bicycle network by re-allocating space within the public rights-of-way for sidewalks, bicycle lanes, and shared use paths that are physically separated from moving vehicles.
- Establish safer and improved pedestrian and bicycle connections to the residential neighborhoods and recreational amenities surrounding the Plan area, with particular focus on the crossings of Democracy Boulevard and Old Georgetown Road.
- Design a safer and more pleasant pedestrian and bicycle crossing over the Fernwood Road bridge spanning the I-270 spur, which connects the office park with Westfield Montgomery Mall and the new transit center.
- Build smaller local streets that will improve connectivity between the existing large blocks, encourage more pedestrian/bicycle activity, and help disperse vehicular traffic.

Specifically, the Sector Plan recommends that a road diet is implemented off the Rockledge Drive frontage (p. 71). As conditioned, the Applicant will coordinate with MCDOT for the Rockledge Drive Interim Road Diet from Westlake Terrace to the Subject Property northern property line/Lockheed Martin south driveway. This will consist of reducing the number of lanes to two travel lanes and one center turning lane and six and a half-foot-wide separated bike lanes and street buffers no less than five-foot-wide from Westlake Terrace to the northern Subject Property Line/Lockheed Martin southern driveway. These improvements will create a safer and more pleasant pedestrian and bicycle experience with a “complete street,” meeting the Sector Plan’s transportation and connectivity goals.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

Rockledge Drive is a Downtown Street with an 80-foot-wide right-of-way. It consists of four travel lanes and a center median with periodic center turn lanes. Sidewalks are present along both sides of the roadway. However, there is no buffer between the sidewalk and travel lanes.

Westlake Terrace is a Downtown Boulevard with a variable right-of-way. While it does not provide direct access to the Subject Property, it is located on the south side of the property that will be subdivided as part of the Project. Sidewalks are present along

both sides of the roadway. However, there is no buffer between the sidewalk and the travel lanes. Improvements to the south side of the roadway were conditioned as part of the ELP Bethesda at Rock Spring project (Nos. 120210040 & 820210190).

There is an existing bus stop located on the southeast frontage corner. The stop is served by WMATA Route J1 which provides service between the Montgomery Mall Transit Center and Silver Spring Metrorail Station.

ii. Proposed public transportation infrastructure

The Applicant will dedicate 5-feet along Westlake Terrace to help achieve the master planned right-of-way width of 90-feet for the roadway.

Additionally, the Applicant will provide a bench for the existing bus stop located on the southeast frontage corner.

Frontage improvements will be provided as part of the Rockledge Drive Interim Road Diet, which is considered an off-site improvement as it extends beyond the Subject Property frontage. This improvement is discussed further in the Local Area Transportation Review (LATR) section of the findings.

iii. Proposed private transportation infrastructure

There is no private transportation infrastructure proposed for the Project outside of the extension of the existing private driveway.

b) Local Area Transportation Review (LATR)

As a proposed development with up to 386 mid-rise multifamily residential dwelling units, the Project is estimated to generate 244 total peak hour person trips in the morning and 233 total peak hour person trips in the evening. As a result of the estimated transportation impact, the Project must submit a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

Table 2: Democracy Center Estimated Person Trip Generation

Land Use	Morning Peak Hour	Evening Peak Hour
Proposed		
Residential Mid-Rise Multifamily 386 units	244	233
Net New Person Trips	244	233

Source: Transportation Impact study by Wells + Associates dated November 20, 2024, amended by staff

Travel Mode Adequacy Test

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation all transportation modes, including: auto-driver, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips.⁵ The mode split of the total person trips for the Project are summarized by travel mode in Table 3. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate all four travel modal adequacy tests.

Table 3: Democracy Center Trip Estimate by Mode

	Total Person-Trips	Auto-Driver	Transit	Pedestrian ⁶	Bicycle
Morning Peak Hour	244	131	20	49	30
Evening Peak Hour	233	125	19	47	29

Source: Transportation Impact study by Wells & Associated dated November 20, 2025, amended by staff

Vehicle Adequacy Test

With 244 net new trips estimated during the morning peak period, the Applicant was required to study one tier of intersections for motor vehicle adequacy. The applicant evaluated a total of nine intersections including:

- Westlake Terrace / Fernwood Road / Rockledge Drive
- Rockledge Drive / Rock Forest Drive / Rockledge Boulevard
- Rockledge Drive / Site Driveway North
- Rockledge Drive / Side Driveway South
- Rock Spring Drive / Rockledge Drive
- Rock Spring Drive / Fernwood Road / Marriott Drive
- Westlake Terrace / I-270 Spur Ramp
- Rockledge Blvd / I-270 Ramp South
- Rockledge Blvd / I-270 Ramp North

The total future HCM average vehicle delay were calculated based on the existing lane use and traffic control for the off-site intersections. The congestion standard for intersections within the Orange/North Bethesda Transportation Policy Area is 71 second/vehicle.

In compliance with the 2023 *LATR Guidelines*, the Applicant studied three scenarios: existing, background, and total future. The existing scenario reflects analysis based on recent traffic counts collected at the intersections. The background condition added the traffic volumes estimated to be

⁵ Per the 2024-2028 Growth and Infrastructure Policy (GIP) County Council Resolution section AP2, an applicant can elect to use the 2024 approved Growth and Infrastructure Policy if they have a preliminary plan or site plan application pending but not yet approved as of January 1, 2025. However, the Project has not elected to use the 2024-2028 GIP and is therefore subject to the 2020-2024 GIP.

⁶ Pedestrian trips are calculated by adding non-motorized and transit trips.

generated by approved but unbuilt developments in the vicinity of the Site. The total future scenario layers the traffic volumes estimated to be generated by the Subject Application on top of the background and existing scenarios. A fourth scenario that included the proposed interim Rockledge Drive Road Diet was also analyzed to demonstrate that this off-site mitigation did not result in causing delay above the congestion standard. The results are summarized in Table 4. It should be noted that under the existing conditions the intersection of Rock Spring Drive / Fernwood Road / Marriott Drive is just above the threshold. However, under future conditions the intersection operates below the threshold. This is primarily due to future minor approach volumes increases enough to counteract the increase in volume to the major approaches, reducing the overall delay across all approaches.

Table 4: Intersection Capacity: Highway Capacity Manual Methodology (HCM)

Intersection Name	Delay Standard	Existing AM Peak Hour Delay	Existing PM Peak Hour Delay	Background AM Peak Hour Delay	Background PM Peak Hour Delay	Total Future AM Peak Hour Delay*	Total Future PM Peak Hour Delay*
1. Westlake Terrace / Fernwood Road / Rockledge Drive	71	31.2	17.5	33.6	23.2	33.7 37.3	23.9 32.9
2. Rockledge Drive / Rock Forest Drive / Rockledge Boulevard	71	20.6	61.6	24.6	54.5	25.9 43.9	59.7 63.5
3. Rockledge Drive / Site Driveway North	71	1.1	1.3	1.1	1.2	2.7 2.9	2.4 2.6
4. Rockledge Drive / Side Driveway South	71	0.1	0.6	0.1	0.6	0.3 0.3	0.6 0.7
5. Rock Spring Drive / Rockledge Drive	71	14.5	13.9	17.1	17.1	17.2 17.2	17.5 17.5
6. Rock Spring Drive / Fernwood Road / Marriott Drive	71	14.5	71.8	13.5	63.1	13.4 13.4	62.8 64.1
7. Westlake Terrace / I-270 Spur Ramp	71	7.6	6.4	8.4	12.0	8.6 8.6	9.9 9.9
8. Rockledge Blvd / I-270 Ramp South	71	20.7	29.8	24.6	33.0	25.0 25.0	33.1 33.1
9. Rockledge Blvd / I-270 Ramp North	71	45.6	35.2	44.6	28.8	44.3 44.3	29.0 29.0

*Total future delay numbers are provided without and with the Interim Rockledge Drive Road Diet. The first number is without the road diet. The second number reflects conditions with the road diet.

Source: Transportation Impact study by Wells & Associated dated November 20, 2025, amended by staff

- Transit system adequacy was evaluated by inventorying three bus stops located within 1,300 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.
- Pedestrian system adequacy was evaluated within 900 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 450 feet of the Property.
- Bicycle system adequacy was evaluated by analyzing bikeways within 900 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Under Section 8 of 2023 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 386 residential units/square feet is not to exceed \$1,737,062 (see calculation below).

$$\text{LATR Proportionality Guide} = (\text{Extent of Development}) (\text{LATR Proportionality Guide Rate}) (\text{LATR Proportionality Guide Adjustment Factor})$$

$$\$1,737,062 = (386 \text{ units}) (\$10,976) (41\%)$$

For the Subject Preliminary Plan, the cost of construction and/or mitigation payments for mitigation project is not to exceed \$1,737,062. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to staff for review. In compliance with the 2023 LATR Guidelines, a final list of prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary plan. The table identifies those projects which could be feasibly constructed. The final list of projects is included in Table 5 and a map of the projects is provided on Figure 15 below.

It should be noted that the proportionality guide is exceeded by \$88,881. However, the Rockledge Drive Interim Road Diet includes the Property frontage. Constructing only a portion of the road diet is not feasible and thus a cost-estimate was only completed for the entire length of the improvement. While this cost estimate exceeds the proportionality guide amount, this is a conservative estimate because the frontage portion could not be isolated from the total amount. The Applicant is aware of this and agrees with this approach.

Table 5: Democracy Center LATR Mitigation Project List

Map ID	Project Location	Project Description	Construct/Mitigation Payment	Project Cost
1	Rockledge Drive Interim Road Diet	Reduce the number of through lanes from 4 to 2 and construct one-way 6.5-foot-wide separated bike lanes on each side of the road buffered from the travel lanes by no less than 5-foot-wide street buffers	Construct	\$1,825,943
Construction Subtotal				\$1,825,943
Total				\$1,825,943
Proportionality Guide				\$1,737,062

¹ Consistent with Section TA4 of the 2020-2024 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the Project’s LATR Proportionality Guide that is generated by MPDUs.



Figure 15 – Map of Off-site LATR Mitigation Projects

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit. Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

c) Schools

Overview and Applicable School Test

The proposed Preliminary Plan No. 120250020 and Site Plan No. 820250020 for Democracy Center located at the intersection of Westlake Terrace and Rockledge Drive, North Bethesda, Maryland is scheduled to come before the Planning Board on January 16, 2025. Therefore, the Updated FY25 Annual School Test, approved by the Planning Board on December 19th, 2024 and effective January 1st, 2025 is applicable to this application. This plan proposes 386 multifamily high-rise units.

School Adequacy Test

The Project will be served by Ashburton ES, North Bethesda MS and Walter Johnson HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following tables:

Table 6: FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Ashburton ES	822	853	103.8%	-31
North Bethesda MS	1,203	1,197	99.5%	+6
Walter Johnson HS ⁷	2,299	2,175	94.6%	+124

Table 7: FY2025 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Ashburton ES	No UPP	43	134	257
North Bethesda MS	No UPP	126	247	428
Walter Johnson HS	No UPP	284	584	929

⁷ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. **Under the Updated FY25 Annual School Test, Ashburton ES, North Bethesda MS and Walter Johnson HS do not require any UPP as identified in Table 5.** If the Project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 386 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the Subject Property’s location within a Turnover Impact Area:

Table 8: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.184	0.000	0.101	0.000	0.153	0.000
SF Attached	0	0.217	0.000	0.118	0.000	0.167	0.000
MF Low-rise	0	0.121	0.000	0.065	0.000	0.083	0.000
MF High-rise	386	0.049	18.914	0.025	9.650	0.032	12.352
TOTALS	386		18		9		12

As shown in Table 8, on average, this project is estimated to generate 18 elementary school students, 9 middle school students and 12 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 7. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

No UPP condition required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

d) Other Public Facilities and Services

The Subject Property is located within the W-1 and S-1 water and sewer categories. Dry utilities (electric, gas, and communications) will be provided and the Project will be serviced by adequate police, fire, and health services. School enrollment and capacity projections are satisfactory as indicated in the above section.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250070.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

DPS approved a Stormwater Management Concept on December 17, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion facilities and underground detention.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

- 7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

No other provisions apply to the Subdivision.

SECTION 7: SITE PLAN 820250020 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 of the Zoning Ordinance requires that Optional Method projects in the Commercial Residential (CR) zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

1. When reviewing an application, the approval findings apply only to the site covered by the application.

The findings herein apply only to proposed Lot 1 (Site).

2. To approve a Site Plan, the Planning Board must find that the proposed development:

a) satisfies any previous approval that applies to the site;

The Site Plan demonstrates compliance with the approved Sketch Plan No. 320240050.

b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d) satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 59-4

The proposed residential uses are allowed in the CR Zone and the proposed Site Plan fulfills the general purposes of the zone. Please refer to Table 1 under Finding 1.d. of Preliminary Plan No. 120250020.

ii. Division 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes 110.07 public benefit points in 5 categories to satisfy the requirements.

Table 9: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities (Park)	70	34.11
Transit Proximity	50	22.20
Diversity of Uses and Activities		
Dwelling Unit Mix	10	10
Moderately Price Dwelling Units	N/A	30
Quality Building and Site Design		
Exceptional Design	10	5
Structured Parking	20	10
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	5.44
Total Points	100 (required)	116.75

MAJOR PUBLIC FACILITIES

The Applicant requests 34.11 points for providing and building a privately-owned open space for public use. While the facility is for public use, it will be privately owned as the Department of Parks will not accept the facility in dedication. Points for this incentive are granted based on the land provided and construction of the facility according to the following calculation:

$\{[(\text{Land area conveyed (sf)} + \text{Floor area conveyed (sf)}) / \text{Net lot area (sf)}] * 2 + [(\text{Constructed area (sf)} / \text{Net lot area (sf)}) * 4]\} * 100 = \text{points}$

$$\{[(0 \text{ sf} + 0 \text{ sf}) / 668,484 \text{ sf}] * 2 + [(57,005 \text{ sf} / 668,484 \text{ sf}) * 4]\} * 100 = 34.11 \text{ points}$$

TRANSIT PROXIMITY

The Applicant requests 22.20 points for being within ½ mile of a transit station. The Property is located within ½ mile of two future BRT stations, Level 2 transit. Points for this incentive are granted based on the tract area within proximity to transit and the types of transit provided according to the following calculation:

$[(\text{tract area within proximity range 1 (sf)} / \text{Tract area (sf)}) * \text{points for range 1}] + [(\text{tract area within proximity range 2 (sf)} / \text{Tract area (sf)}) * \text{points for range 2}] = \text{points}$

$$[(293,136 \text{ sf} / 668,484 \text{ sf}) * 25 + (375,345 \text{ sf} / 668,484 \text{ sf}) * 20] = 22.20 \text{ points}$$

DIVERSITY OF USES AND ACTIVITIES

Dwelling Unit Mix

The Applicant requests 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units. The Applicant meets the criteria by providing:

53 (13.7 %) efficiency units
300 (77.7%) one- and two- bedroom units
33 (8.5%) three-bedroom units

Moderately Priced Dwelling Units

The Applicant requests 30 points for providing 15% MPDUs. The development will provide 58 MPDUs, 2.5% above the minimum required. Points are granted based on the percentage of the MPDUs provided according to the following calculation:

$(\text{Percentage MPDUs provided} - \text{percentage MPDUs required}) * 12 = \text{points}$

$(15\% - 12.5\%) * 12 = 30 \text{ points}$

QUALITY BUILDING AND SITE DESIGN

Exceptional Design

The Applicant requests 5 points for providing a building and open space with exceptional design. The development provides exceptional design by creating an outstanding relationship between the privately-owned public open space and the multifamily building. The design separates public and private spaces while providing a transition between the two, which helps create a cohesive development.

Structured Parking

The Applicant requests 10 points for providing structured parking. The development will provide an above-grade parking structure for the proposed development. Points are granted based on the number of parking spaces provided in above- and below- grade structured parking according to the following calculation:

$[(\text{above-grade spaces}/\text{total parking spaces}) * 10] + [(\text{below-grade spaces}/\text{total parking spaces}) * 20] = \text{points}$

$[(465 \text{ above-ground spaces}/476 \text{ total spaces}) * 10] + [(0 \text{ below-grade spaces}/476 \text{ total spaces}) * 20] = 10 \text{ points}$

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Termination

The Applicant requests 5.44 points for purchasing building lot termination easements. Points are granted based on the base density and incentive density according to the following calculation:

$$[((\text{sf proposed development} - \text{sq ft base density}) * 0.075) / 31,500] * 9 = \text{points}$$

$$[((387,467 \text{ sf} - 133,468 \text{ sf}) * 0.075) / 31,500] * 9 = 5.44 \text{ points}$$

iii. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

Vehicular access to the site is provided via a single existing driveway on Rockledge Drive. This driveway access is not located on the Subject Property. However, there will be an access agreement allowing the Subject Property use of the driveway and the adjacent northern surface parking lot. The driveway access splits just west of the property line, providing an entrance to below-grade parking for exclusive to use by the existing office use located to the south. An existing surface lot is also accessed via the driveway. An extension of the driveway will be constructed as part of the Project, providing access along the western side of the property where the entrance to the Project's parking garage will be located as well as an outdoor loading area and separate refuse area.

Bicycle and pedestrian access to the Site is provided via frontage improvements on Rockledge Drive. These improvements will be part of a larger interim Rockledge Drive road diet, consistent with the 2017 *Rock Spring Sector Plan* and associated 2019 *Rock Spring and White Flint 2 Design Guidelines*. The road diet, which will be constructed from the Subject Property's northern property line south to Westlake Terrace/Fernwood Road, reduces the number of through lanes from four to two to be able to accommodate one-way separated bike lanes on each side of the road. The existing curb and sidewalk on both sides of the road will remain where they are currently located. Concrete curbs with tree pits will be installed within the existing right-of-way to provide the separated six-and-a-half (6.5)-foot-wide bike lanes on each side of the road.

Pedestrian paths are provided within the proposed open space and along the south and east side of the proposed multifamily building. Sidewalks are also provided along a portion of the north and west side of the building as well, providing access to building entrance locations.

(2) Division 6.2 Parking, Queuing and Loading

Parking will be provided in an above ground 6-story parking structure, which is wrapped by the proposed building. The garage will provide 465 parking spaces. This is more than the minimum required of 358 spaces and but less than the maximum of 480 spaces. The garage spaces include ten (10) ADA accessible spaces, twenty-three (23) EV spaces, seventeen (17) potential future EV spaces, and ten (10) motorcycle spaces. The parking garage access is provided via an addition to the existing driveway access that will extend the driveway to and along the western side of the property. This provides access to both the parking garage as well as an outdoor loading area and separate refuse area.

Through an agreement with the owners of Lot 2, the Project will also have access to a limited number of surface parking spaces in the adjacent surface parking lot. This includes six (6) standard spaces and five (5) spaces that will be designated as car share spaces.

Long-term bicycle parking is provided in a separate bike room located on the first floor of the building that contains ninety-five (95) spaces and a required bicycle repair station. Ten (10) short-term bicycle spaces are provided via bicycle racks located near the southeast corner entrance to the proposed building and in the public open space area. This provides five (5) additional short-term spaces than what is required.

Loading will occur via the shared driveway access. One (1) external loading space is provided along the west side of the building, adjacent to an internal trash room and a separate move-in staging room. The western driveway area is where loading and trash truck maneuvering will occur, allowing safe and efficient access to the loading space for both SU-30 sized vehicles and garbage trucks will be provided within the western driveway area.

(3) Division 6.3 Open Space and Recreation

Per Section 59.6.3.1 of the Zoning Code, open space must provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality. The Applicant is providing a 1.3-acre privately-owned public open space that provides both public open space and recreation amenities for the residents and public.

In addition to the open space requirements, Section 59.6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units offer recreational facilities in accordance with the M-NCPPC 2017 Recreation Guidelines for Private Residential Development. The proposed development includes a

swimming pool and other recreation facilities for the residents of the development that helps meet this requirement.

(4) Division 6.4 General Landscaping and Outdoor lighting

Division 6.4 of Chapter 59 of the Zoning Code provides minimum standards for quantity, size, location, and installation of general landscaping and outdoor lighting on private property. The proposed landscaping uses predominantly native plantings to provide tree cover and appropriate landscaping. The site furnishings are functional and contribute to a cohesive aesthetic development. Lighting levels are adequate and meet the required levels at the property line.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

DPS approved a Stormwater Management Concept on December 17, 2024. The Application proposes to meet required stormwater management goals via micro-bioretention facilities and underground detention.

ii. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250070.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

As previously outlined, the Project will provide safe, efficient, and integrated pedestrian and vehicular circulation. The parking will be provided in an above-ground parking structure that is fully wrapped by the residential building. The Project will create a 1.3-acre privately-owned public open space and includes additional private recreational amenities.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

As explained in further detail in the Preliminary Plan findings, the Project substantially conforms with the recommendations of the 2017 *Rock Spring Sector Plan*.

h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact

of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed in Preliminary Plan finding 3, the Project will be served by adequate public facilities.

i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

Not applicable; the Property is not in a Rural Residential or Residential Zone.

j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The seven (7) story multifamily development will be compatible with the surrounding office development with similar height and massing. The Project will be contemporary in style, which will blend with the surrounding architecture. The building massing and scale will be reduced through the use of setbacks and offsets in the massing.

3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 8: FOREST CONSERVATION PLAN F20250070 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

The Property has a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420240600 approved on January 5, 2024. The Site is 15.35 acres and contains no streams, wetlands, forests, or associated buffers. The Subject Property is in the Cabin John Watershed, a Use Class 1-P stream.

FOREST CONSERVATION PLAN

FCP No. F202507070 proposes meeting Forest Conservation Law through forest banking or, if forest mitigation bank credits are not available for purchase, then fee-in-lieu. The Subject Property has a net tract area of 15.58 acres. Based on the site zoning, the afforestation requirement is 2.34 acres.

Variance Request

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal of five (5) Protected Trees as identified in Table 10 and shown in Figures 16 and 17. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

Table 10: Impacted/Removed Protected Trees

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition	Status
351	<i>Quercos phellos</i>	Willow Oak	35”	55%	Good	Remove
380	<i>Quercos palustris</i>	Pin Oak	31.5”	100%	Fair	Remove
385	<i>Quercus palustris</i>	Pin Oak	39”	100%	Fair	Remove
OST-2	<i>Pawlonia tomentosa</i>	Empress Tree	30”	35%	Good	Remove
OST-3	<i>Lirodendron tulipifera</i>	Tulip Poplar	30”	76%	Good	Remove

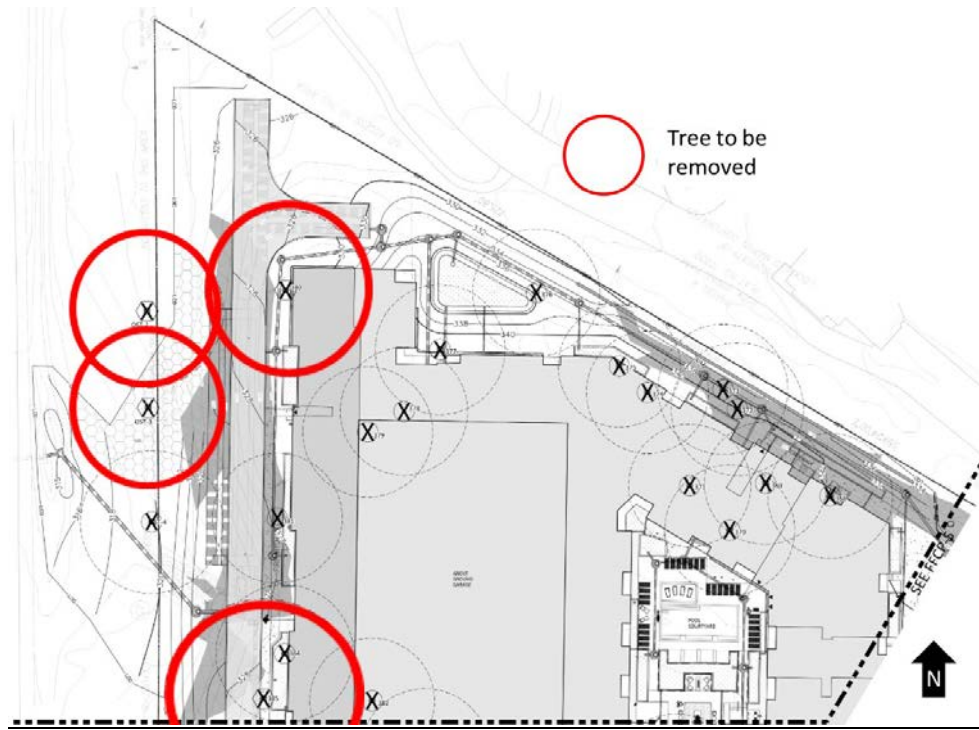


Figure 16 - Protected Tree Locations

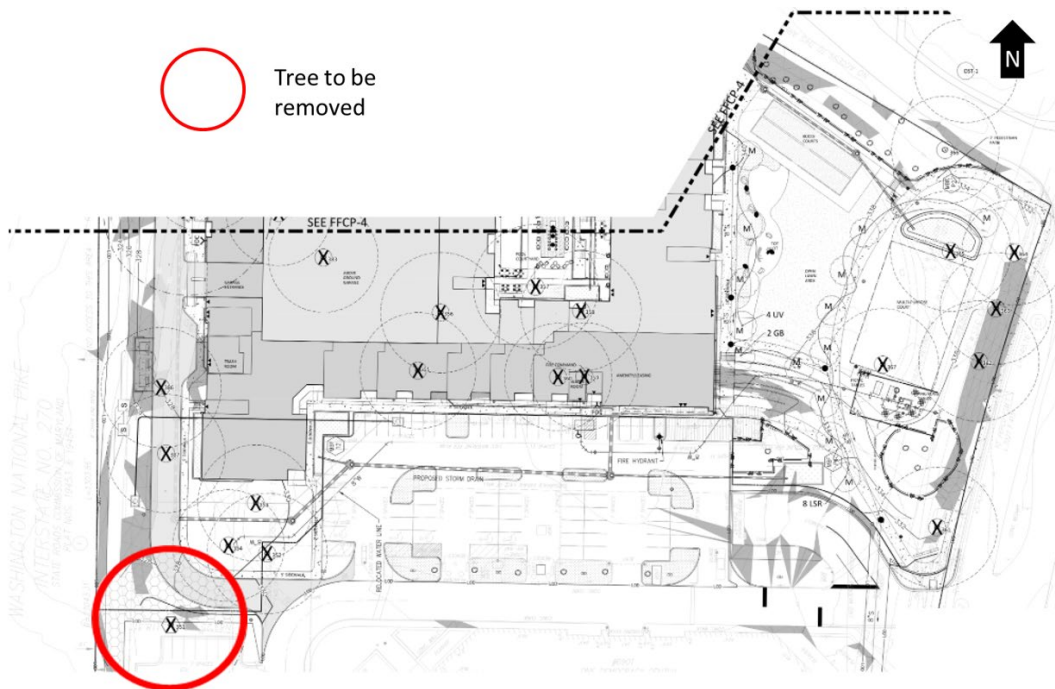


Figure 17 - Additional Protected Tree Locations

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment C). The requested variance is necessary due to the need to accommodate construction of housing and related needs. Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property in accordance with the recommendations of the Sector Plan and Zoning Ordinance without the Variance.

Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the disturbance is unavoidable to construct infill development housing. The Property is developed with an office building, associated parking, and active recreation areas. If the Applicant were not able to impact the Protected Trees, the Applicant would not be able to construct housing and provide improved stormwater management for the new development.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the Protected Trees. The five (5) trees to be removed are located throughout the site. In order to remove existing infrastructure and build the new development, these trees will be removed, with 100% impact to the critical root zones.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the location of trees and the proposed construction and not a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The site's existing conditions include an office building and associated surface parking, and an open area with active recreation areas. Proposed development includes Environmental Site Design to the maximum extent practicable. Additionally, fourteen (14) new 3-inch caliper native trees will be planted in mitigation for the removal of the five (5) variance sized trees to replace the water quality functions of the trees being removed. Given this, granting the variance will not adversely impact water quality.

Mitigation for Trees Subject to the Variance Provisions

The trees proposed for removal will be mitigated at a rate that approximates the form and function of trees being removed. Variance trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of forty-two (42) inches, with a minimum at installation of fourteen (14) 3-inch caliper trees.

Recommendation on the Variance

Staff recommends approval of the variance for impact to Protected Tree associated with Forest Conservation Plan No. F20250070.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan, Site Plan, and Forest Conservation Plan applications, the Project satisfies each of the findings under Section 7.3.4 and Chapter 22A and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2017 *Rock Spring Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the three (3) Applications with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site/FCP Plans

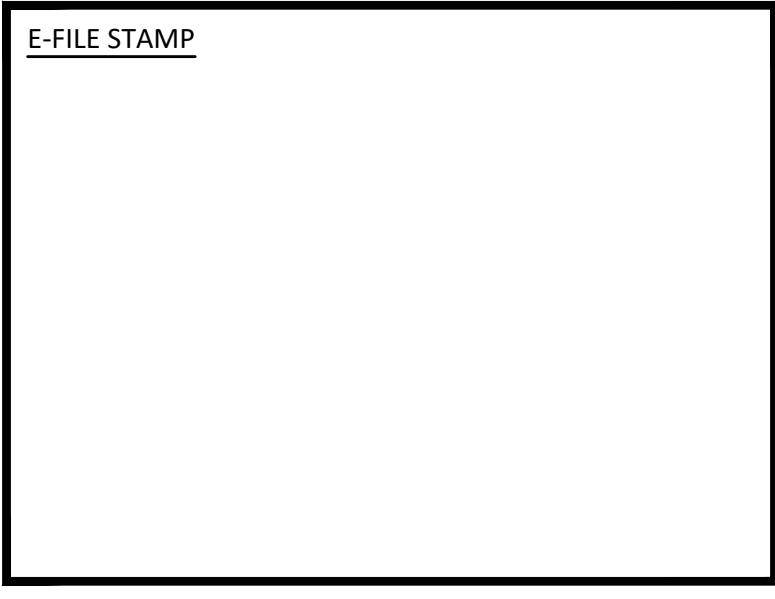
Attachment B: Noise Analysis

Attachment C: Variance Application

Attachment D: Prior Approvals

Attachment E: Agency Letters

Attachment F: Affidavit Regarding Community Meeting and Meeting Minutes



FCP WORKSHEET - WITHIN SAME PRIORITY WATERSHED

Table with 2 columns: Description and Value. Includes NET TRACT AREA, LAND USE CATEGORY, and EXISTING FOREST COVER.

Table with 2 columns: Description and Value. Includes G. Afforestation Threshold and H. Conservation Threshold.

Table with 2 columns: Description and Value. Includes EXISTING FOREST COVER items I, J, and K.

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NOT FOR CONSTRUCTION

FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.misutility.net

48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and these utility companies are responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

LAUNCH: 02-FCP-20250070-001, Plotted By: sumangi

Democracy Center - F20250070

FCP WORKSHEET - OUTSIDE SAME PRIORITY WATERSHED

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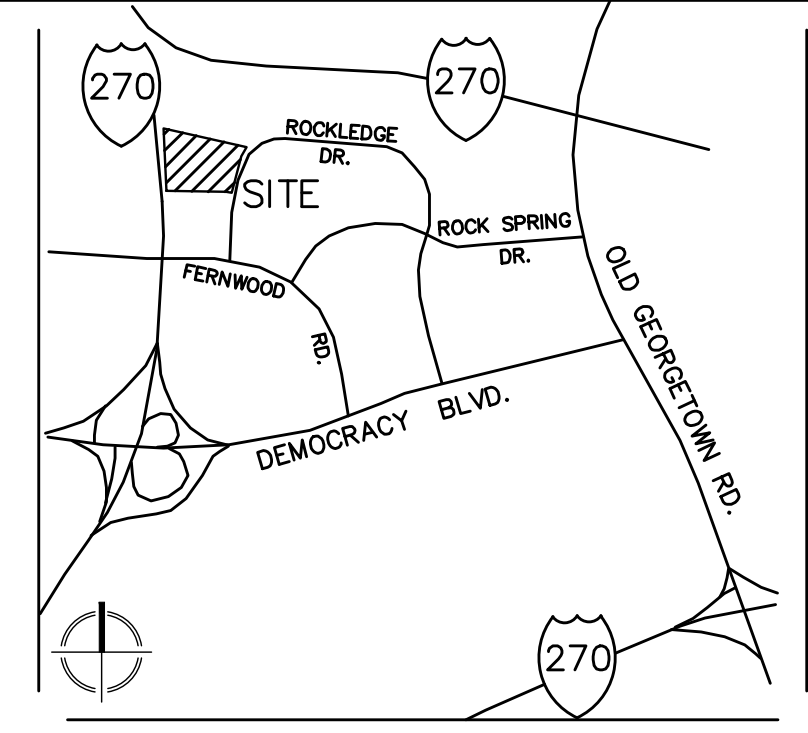
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Table with 2 columns: Description and Value. Includes PROPOSED FOREST CLEARING items N and O.

Table with 2 columns: Description and Value. Includes PLANTING REQUIREMENTS items P, Q, R, S, T, U, and V.

Democracy Center - F20250070

PRELIMINARY/FINAL FOREST CONSERVATION PLAN DEMOCRACY CENTER M-NCPPC FILE NUMBER: F20250070



VICINITY MAP SCALE: 1" = 2000'

VKA MARYLAND, LLC contact information and logo.

ATTORNEY BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC and ARCHITECT DWELL DESIGN STUDIO, LLC contact information.

LANDSCAPE ARCHITECT PARKER RODRIGUEZ contact information.

REVISIONS table with columns for REVISIONS and DATE.

REVISIONS table with columns for REVISIONS and DATE.

DEMOCRACY CENTER 16TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND WSSC GRID: 213NW07 TAX MAP: GP343

PRELIMINARY/FINAL FOREST CONSERVATION PLAN COVER #F20250070 PROFESSIONAL SEAL

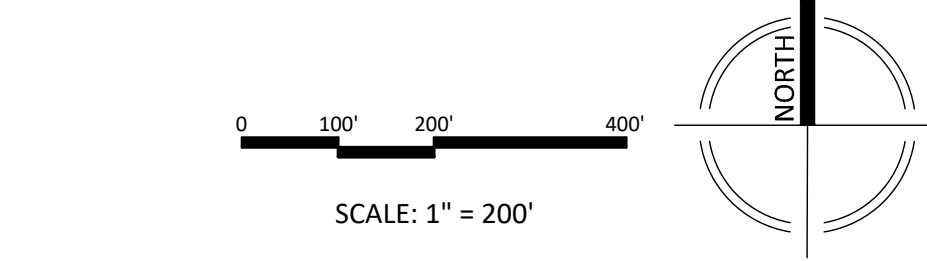
DEVELOPER'S CERTIFICATE THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE APPROVED FINAL FOREST CONSERVATION PLAN NO. F20250070 INCLUDING FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER APPLICABLE AGREEMENTS.



LOCAL AREA MAP

RESOURCE DATA TABLE with columns for TREE NO., BOTANICAL NAME, COMMON NAME, D.B.H. (in.)*, SPECIMEN, CONDITION, CRZ (SF), CRZ IMPACT (SF), CRZ IMPACT%, DISPOSITION, and COMMENTS.

SOILS TABLE with columns for SYMBOL, SOIL, PRIME FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE, HIGHLY ERODIBLE, HYDRIC SOIL, and HYDROLOGIC GROUP.



TREE REPLACEMENT TABLES with columns for TREE REMOVED, # CALIPER, MITIGATION REQUIRED @ 1 1/4" REMOVED, and # OF 3" CALIPER REPLACEMENT TREES.

MITIGATION TREE PLANT SCHEDULE with columns for SHADE TREES, QTY., KEY, BOTANICAL NAME, COMMON NAME, REMARKS, SIZE, and CONTAINER.

- REFERENCE NOTES: TAX ACCOUNT REFERENCE, OWNER, OWNER ADDRESS, ZONING, APPROVED NRI NO., APPROVED SKETCH PLAN NO., WATERSHED, WATER SERVICE CATEGORY, SEWER SERVICE CATEGORY, SOIL DESIGNATION, FLOODPLAIN ZONE, FIRM COMMUNITY PANEL NO., GENERAL NOTES 1-9.

- SHEET INDEX: FFCCP-1 PRELIMINARY/FINAL FOREST CONSERVATION PLAN COVER, FFCCP-2 PRELIMINARY/FINAL FOREST CONSERVATION PLAN APPROVALS, FFCCP-3 PRELIMINARY/FINAL FOREST CONSERVATION PLAN COMPOSITE, FFCCP-4 PRELIMINARY/FINAL FOREST CONSERVATION PLAN 20-SCALE, FFCCP-5 PRELIMINARY/FINAL FOREST CONSERVATION PLAN 20-SCALE, FFCCP-6 PRELIMINARY/FINAL FOREST CONSERVATION PLAN DETAILS.

Attachment B



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Frederick, Virginia 21703
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301.846.4355 (fax)
www.phoenixnv.com

30 September 2024

Democracy Center Phase II Noise Analysis

Montgomery County, Maryland

Report #240930

For: NRP Holdings, LLC

By: Jordan Higgins

1 EXECUTIVE SUMMARY

Phoenix Noise & Vibration has conducted a Phase II Noise Analysis for the proposed multifamily building at the Democracy Center development in Montgomery County, Maryland. Upon completion, Democracy Center will consist of a seven-story multifamily building. This analysis included:

- An evaluation of the proposed architectural plans and building elevations.
- Specification of windows and doors necessary to maintain the required indoor noise levels.

All residential units on the west building elevation, as well as portions of the residential units on the north and south building elevations will require upgraded windows, sliding glass doors, and in some areas, upgraded wall construction to maintain the required interior noise levels according to Montgomery County's noise regulations for residential development. If the specified windows and sliding glass doors are installed as indicated, and upgraded exterior wall construction is implemented where specified, interior noise levels throughout Democracy Center will be below the County's indoor noise level limit.

2 BACKGROUND

This analysis has been based upon a previous noise analysis¹ which determined the future transportation noise impact upon Democracy Center due primarily to the I-270 Spur roadway located along the western property boundary. This noise analysis was conducted according to Montgomery County's noise regulations for residential development, which require indoor and outdoor noise levels to be maintained at 45 and 65 dBA Ldn,² respectively.

Existing roadway and railway noise levels were established by a 24-hour on-site measurement survey (conducted in May 2024). Future noise level impact throughout the proposed development was calculated using a calibrated computer model developed with CadnaA, a three-dimensional noise propagation model capable of determining the noise level impact from multiple noise sources across vertical and horizontal surfaces while accounting for factors such as topography, ground absorption, surface reflections, and roadway data (traffic volumes, speeds, and vehicle classifications, etc.).

The Democracy Center Phase I Noise Analysis (and computer model) determined the following relative to the proposed multifamily building:

1. The residential units facing the I-270 Spur (west façade of the proposed building) will be exposed to the highest noise levels. The west building façade will be exposed to noise levels up to 78 dBA Ldn.
2. Portions of residential units will be exposed to noise levels up to 73 dBA Ldn at the northwest corner. Along the southern building elevation, portions of living units (nearest the southwest corner) will be exposed to noise levels up to 75 dBA Ldn.
3. Residential units exposed to noise levels above 65 dBA Ldn require an evaluation of proposed building architecture to determine the building elements necessary to maintain indoor noise levels at 45 dBA Ldn.
4. All remaining residential units, including all of those on the east elevation and courtyard elevations (facing the interior courtyard), as well as portions of those on the north and south elevations, will not be exposed to future transportation noise levels above 65 dBA Ldn. Residential units exposed to future noise levels below 65 dBA Ldn require no further analysis. Modifications to these units are not required; i.e. the building's planned exterior walls and standard windows/doors can be used to maintain indoor noise levels at 45 dBA Ldn.

¹ *Democracy Center Phase I Noise Analysis*, Report #240531 completed by Phoenix Noise & Vibration for NRP Holdings, LLC, dated 31 May 2024.

² The day-night average noise level, or Ldn, is the equivalent sound level (average over a 24-hour period) obtained by adding 10 dB to sound pressure levels measured from 10:00 p.m. to 7:00 a.m. This 10 dB "penalty" accounts for the added annoyance caused by noise created during the nighttime hours. The Ldn is NOT a measurement of the instantaneous noise level. It is possible for one single event (e.g. a train whistle) to generate a very high noise level (e.g. 95 dBA) yet have a much lower, moderate exterior Ldn (e.g. 65 dBA Ldn).

5. The public outdoor activity area at Democracy Center is an interior courtyard, which is shielded from roadway noise by the building such that noise levels will be below 65 dBA Ldn throughout this outdoor space. Additional mitigation for the public outdoor area is not required.

3 MITIGATION

Outdoor activity areas and residences impacted by noise levels above 65 dBA Ldn require further analysis to determine the mitigation measures necessary to maintain noise levels in outdoor areas and indoor living spaces at 65 and 45 dBA Ldn, respectively, as required by Montgomery County’s noise policy guidance for residential development.

3.1 Interior Noise Levels

3.1.1 Building Shell Analysis

Residential buildings exposed to noise levels above 65 dBA Ldn require further analysis to determine whether the proposed building construction will be capable of maintaining indoor noise levels below 45 dBA Ldn. This evaluation, or “building shell analysis” calculates a room’s indoor noise level based upon its exterior noise level, the Sound Transmission Class (STC) ratings³ of its various building components, the amount of exposed exterior wall area, and the room’s size and finish.

The noise reduction provided by a building structure, and the resulting interior noise level, are primarily dependent upon the percentage of the exterior wall surface area occupied by “non-wall” items and the STC ratings of these items. These items, typically windows and doors, act as “holes” in what would otherwise be a relatively effective exterior wall, significantly reducing its ability to prevent noise transmission. Consequently, the exterior surface area occupied by windows and doors is a significant issue. This information is recorded and tracked so that the STC ratings of exterior elements can be adjusted accordingly until the required interior noise level is achieved.

A floor-by-floor building shell analysis was completed for the various unit types throughout the proposed Democracy Center multifamily building. The analysis was conducted using the exterior noise level specific to each living unit (as determined by the computer model) and each room’s interior dimensions, exterior wall, window, and sliding glass door dimensions. Using the architectural information and exterior wall construction specific to each room,⁴ window and door STC ratings were adjusted until the indoor noise level in each room was below 45 dBA Ldn.

3.1.2 STC Ratings

The exterior noise impact upon each residential unit was first evaluated using the proposed standard building construction (shown in Table 1) to determine if modifications (increased window and/or door STC ratings, exterior wall construction) will be required to maintain interior noise levels below 45 dBA Ldn. As of the date

³ The STC rating is a single number value which describes a building element’s (wall, window, door, roof, etc.) ability to reduce noise transmission from one side of the partition to the other.

⁴ Taken from the architectural drawings by Dwell Design, Schematic Design set dated August 12, 2024.

of this analysis, window and/or door manu

facturers have not been chosen for this project; therefore, common standard window and sliding glass door ratings of 26 STC were used as the baseline for this analysis.

Table 1: Proposed standard building construction for Democracy Center.

Building Element	STC Rating
Exterior Walls	
<ul style="list-style-type: none"> Fiber Cement.....(est.) 43 STC Partition construction: fiber cement panel, fire rated exterior OSB sheathing, 2"x6" wood studs spaced 16" o.c., R-21 fiber insulation, one or two layers of 5/8" gypsum board 	
Operating & Fixed Windows	26 STC
Sliding Glass Doors	26 STC

3.1.3 Building Construction Requirements

The minimum window (operating and fixed) and balcony door STC rating requirements for Democracy Center are presented by elevation (using the Dwell building elevations) on Drawings AC5.03, AC5.04, AC5.05, AC5.06, AC5.07, and AC5.08 of the Appendix. In particular, note the following:

- Windows and balcony doors with increased STC ratings will be required for many of the living units, more specifically those units on the outermost areas of the building in close proximity to a road. Minimum window STC rating requirements vary between 26 and 38 STC depending on the noise impact specific to each unit. Minimum sliding glass door STC rating requirements vary between 26 and 38 STC depending on the noise impact specific to each unit. The “AC” Drawings of the Appendix indicate these minimum STC ratings where required.
- In addition to upgraded window and sliding glass door STC ratings, upgraded wall construction is required for those areas of the building with the most impact (such as those residential units nearest to the I-270 Spur). For living units which require modifications to exterior wall construction (i.e., those indicated with a colored dashed outline on the building elevations), the construction must include either the use of ½” resilient channels or a resilient isolation clip attached to wood studs (with hat channel through clips).
- Recommended products include Dietrich Deluxe RC-1 for resilient channel and Pliteq GenieClip RST isolation clip. **The resilient channel or resilient isolation clip must be attached directly to the studs, with construction as follows (exterior to interior):** Fiber cement panel, fire rated exterior OSB sheathing, 2”x6” wood studs spaced 16” o.c., R-21 fiber insulation, Resilient Channel or Isolation Clip (where specified), one or two layers of 5/8” gypsum board.
- Note that the level of exterior noise impact varies with the location of the residential unit. Some areas only require the addition of resilient channel to exterior wall construction to mitigate the exterior noise impact. However, living units within the higher impact areas,

such as the west elevation with the highest noise impact up to 78 dBA Ldn, require fiber cement siding with resilient isolation clips.

- Residential units not shown with a specific STC rating requirement are impacted by transportation noise levels below 65 dBA Ldn. A standard window/door (typically around 26 STC) may be used in these locations.
- STC ratings apply to the entire window/door unit; i.e. the installed window/door assembly, including all framing elements, mullions, and glazing (operating and fixed), must achieve the specified STC rating.
- The variety of STC ratings (28, 30, 32, 34, 36, and 38). Typically, such a detailed range of STC ratings is not available from a window/door supplier. Instead, suppliers can offer only a few STC ratings (e.g. 30, 32, and 35) within a particular window/door product series. In this case, any window/door that requires an in between rating must be increased to the next highest rating (e.g. a 34 STC window requirement would take a 35 STC window).
- Note that for some residential units, different STC ratings are specified for a bedroom than a living/dining room. While the window/door STC ratings shown will maintain indoor noise levels in compliance with the County limit, to avoid confusion during construction and to reduce the potential for a room not receiving the correct specified STC rated window/door it is recommended that the same STC rated window/door be installed throughout the entire unit.

For example, the west Bedroom of Unit C1.1 (southwest corner) requires 38 STC windows, while the south bedroom requires 36 STC windows. A 38 STC window can look very similar to a 36 STC window, such that the installer is not aware of the two window specifications and places a 36 STC window where a 38 STC window was specified, thereby lowering the composite STC rating of that wall and resulting in an indoor noise level above the required limit.

- It is not expected that a window/door supplier be able to exactly match the STC rating requirements shown in the Appendix. These are minimum requirements presented as a guide to the architect or builder when selecting a window/door product series. Calculating minimum STC ratings specific to each room reduces the amount of “overbuilding” (i.e. installing windows/doors with unnecessarily high STC ratings), thereby reducing overall window/door costs.

4. CONCLUSION

Democracy Center will be exposed to future transportation noise levels up to 78 dBA Ldn. Windows (operating and fixed) and sliding glass doors which meet specific STC rating requirements must be installed throughout the proposed multifamily building to maintain indoor noise levels below 45 dBA Ldn. Windows rated up to 38 STC and sliding glass doors rated up to 38 STC are required for those living units with the most noise impact (facing the I-270 Spur). Modifications to the exterior wall construction will also be required for portions of residential units along the north, west, and south elevations.

When using the minimum STC rated windows and doors specified individually for each unit, along with the specified exterior wall construction modifications (where required), interior noise levels within all Democracy Center residential units will be below 45 dBA Ldn as required by Montgomery County's noise regulations for residential development.

Note that this analysis has been based upon the Schematic Design drawing set dated 12 July, 2024. It is likely that changes to the room dimensions, exterior façades and/or exterior building elements (i.e., windows and doors) will be made within the Design Development Architectural set. If any changes are made, this analysis will need to be updated to verify compliance with Montgomery County requirements.

Residential units not exposed to future transportation noise levels above 65 dBA Ldn require no modifications. Standard windows and balcony doors may be installed in these residential units.

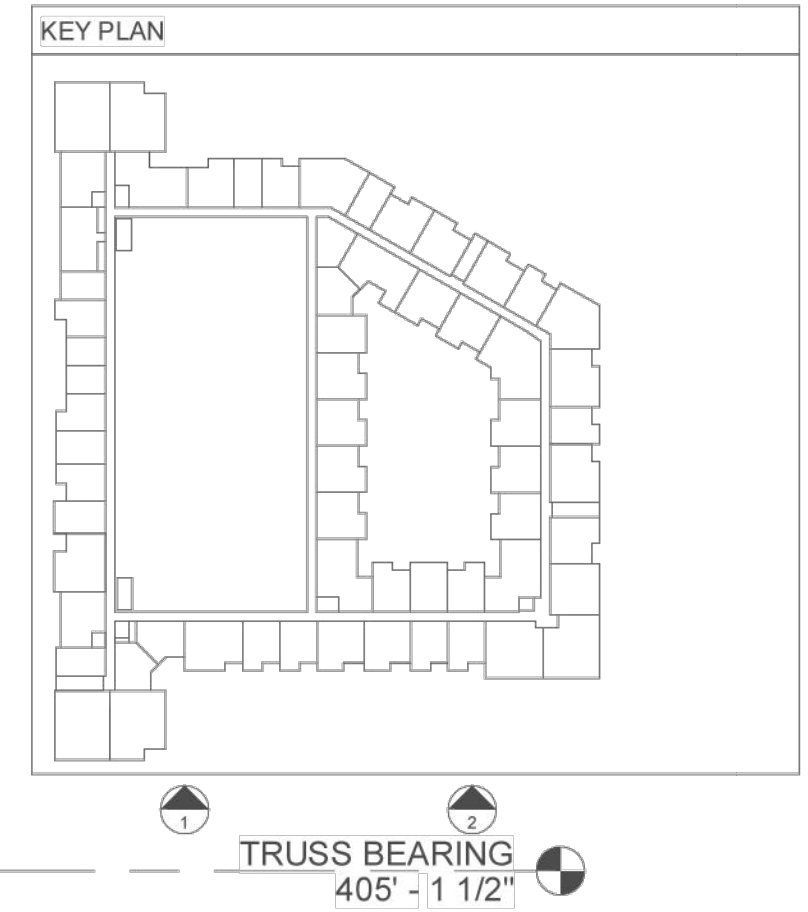
The public outdoor areas currently planned for Democracy Center include one interior courtyard. Future transportation noise levels will be below 65 dBA Ldn throughout the interior courtyard area without additional mitigation.

***Please note:** The results of this analysis have been based upon the proposed site plan, building layout, architectural plans (exterior wall dimensions and construction; window and door dimensions, room dimensions, building elevation, floor plans), and roadway information made available at the time of this analysis. Should any of these elements be modified throughout the course of the planning, design, or construction phases of development, additional analysis will be required to determine if the results and recommendations presented herein are still capable of maintaining indoor and outdoor noise levels in compliance with Montgomery County's noise policy guidance for residential development.*

APPENDIX

NO.	OBJECT	DESCRIPTION
2A	ALUMINUM GUTTER WITH SQUARE PROFILE	COLOR TO MATCH ADJACENT FINISH
2B	SCUPPER WITH DOWNSPOUT	COLOR TO MATCH ADJACENT FINISH
2C	EMERGENCY THROUGH WALL SCUPPER	COLOR TO MATCH ADJACENT FINISH
3	MECHANICAL LOUVER	COLOR TO MATCH ADJACENT FINISH
4A	BALCONY LIGHT FIXTURES	BASIS OF DESIGN: BRICK OUTDOOR CYLINDER 4" DOWN
4B	BUILDING LIGHT FIXTURES	BASIS OF DESIGN: BRICK OUTDOOR CYLINDER 6" DOWN
5	CEMENTITIOUS PANEL REVEAL	PLACED AS NOTED, COLOR TO MATCH ADJACENT BRICK
6	METAL CANOPY	BASIS OF DESIGN: MAPES CANOPIES, DARK BRONZE
7	POST-MOUNTED RAILING SYSTEM	PER SPEC, BLACK
8	METAL SIGNAGE	BUILDING SIGNAGE BY OTHERS
9	UNIT EXHAUST / INTAKE VENT	COLOR TO MATCH ADJACENT FINISH
10	ARCHITECTURAL POST	PLACED AS NOTED, COLOR TO MATCH ADJACENT BRICK
EJ	BRICK EXPANSION JOINT	

NO.	MATERIAL DESCRIPTION	REMARKS
SJ 2A	CEMENTITIOUS TRIM - DRAK GRAY	SW7020 - BLACK FOX
BR 01	BRICK VENEER - MODULAR SIZE	BASIS OF DESIGN: TBD
BR 01A	BRICK VENEER - MODULAR SIZE ROW/LOCK	BASIS OF DESIGN: TBD
CLS 01	CEMENTITIOUS LAP SIDING W/ REVEAL - WHITE	PAINTED TO MATCH IRON ORE SW 7069
CLS 02	CEMENTITIOUS LAP SIDING W/ REVEAL - DARK GREY	PAINTED TO MATCH XX SW XX
CLS 03	CEMENTITIOUS LAP SIDING W/ REVEAL - MEDIUM GREY	PAINTED TO MATCH XX SW XX
CLS 04	CEMENTITIOUS LAP SIDING W/ REVEAL - TAN	PAINTED TO MATCH IRON ORE SW 7069
CPL 01	CEMENTITIOUS PANEL W/ REVEAL SYSTEM - IRON ORE	PAINTED TO MATCH XX SW XX
CPL 01	CEMENTITIOUS PANEL W/ REVEAL - WHITE	PAINTED TO MATCH XX SW XX
CPL 02	CEMENTITIOUS PANEL W/ REVEAL - DARK GREY	BASIS OF DESIGN: TBD
MFL 01	METAL PANEL - CHARCOAL	BASIS OF DESIGN: TBD
RF 01	ASPHALT SHINGLE ROOF - GEORGETOWN GRAY	LANDMARK GEORGETOWN GRAY



LEGEND

WINDOW - MINIMUM REQUIRED STC RATING

DOOR - MINIMUM REQUIRED STC RATING

STC RATINGS

W 38 D 38	W 38 D 36	W 36 D 34
W 34 D 32	W 32 D 30	W 30 D 28
W 28 D 26	W 26	

--- AREAS OF EXTERIOR FACADE REQUIRING THE USE OF 1/2" RESILIENT CHANNEL IN THE EXTERIOR WALL CONSTRUCTION.

--- AREAS OF EXTERIOR FACADE REQUIRING THE USE OF RESILIENT ISOLATION CLIPS IN THE EXTERIOR WALL CONSTRUCTION.

NOTES:

- RESIDENTIAL UNITS NOT INDICATED WITH A WINDOW/DOOR STC RATING REQUIREMENT CAN BE CONSTRUCTED WITH A MINIMUM RATING OF 26 STC.
- STC RATINGS APPLY TO THE ENTIRE WINDOW/DOOR UNIT: I.E. THE INSTALLED WINDOW / DOOR ASSEMBLY, INCLUDING ALL FRAMING ELEMENTS AND GLAZING (OPERATING AND FIXED), MUST ACHIEVE THE SPECIFIC STC RATING.

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1 ENLARGED SOUTH ELEVATION
1/8" = 1'-0"

2 ENLARGED SOUTH ELEVATION 2
1/8" = 1'-0"

ENLARGED ELEVATIONS - SOUTH ELEVATIONS
BUILDING CONSTRUCTION REQUIREMENTS

JOB NUMBER: 2301904

AC5.04
NOT FOR CONSTRUCTION

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August 16, 2024

M-NCPPC

Montgomery County Planning Department
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

**RE: Preliminary/Final Tree Variance Request
#F20250070#120250020 & #820250020
Democracy Center – 6901, 6903 & 6905 Rockledge Dr., Bethesda, MD 20817
Preliminary/Final Forest Conservation Plan
VIKA # VM50203D**

Dear Reviewer:

On behalf of Democracy Center MF, (the “Applicant”), we are submitting this Tree Variance Request for the above-referenced property (the “Property”) pursuant to the provisions of Section 22A-21 of the Montgomery County Code. The Property is recorded in the Land Records of Montgomery County as Parcel 10, “Rock Spring Park” on Plat No. 12853 and is comprised of 668,487 square feet or 15.34635 acres of land classified in the CR-1.5, C-1.25, R-0.75, H-200 Zone. The Applicant is proposing infill development on the northern end of the Property with a 7-story multi-family building, above-ground structured parking, and a recreational park fronting along Rockledge Drive. The development would create two lots, separating the proposed in-fill development from the three (3) existing Democracy Center Office Buildings with their associated surface and unground parking which are proposed to remain.

The Property contains no existing forest. A Natural Resources Inventory / Forest Stand Delineation (No. 420240600) has been approved by M-NCPPC. Eight (8) specimen trees (30” DBH and larger) (three (3) on-site and five (5) off-site) have been identified and survey-located on and adjacent to the subject property and are shown on the NRI/FSD.

A Preliminary / Final Forest Conservation Plan has been prepared to accompany the proposed Preliminary Plan of Subdivision for two lots and the proposed Site Plan for the multi-family building. The plan proposes to retain some existing trees, one of which is a significant tree, along the northern boundary with the adjacent property and to remove three (3) specimen trees on-site and two (2) specimen trees offsite.

Table 1 below lists the five (5) specimen trees identified on the Forest Conservation Plan for



which the Applicant seeks a variance to remove.

Table 1

REMOVED OR IMPACTED SPECIMEN TREES

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	CRZ IMPACT %	DISPOSTION
351	Quercus phellos	Willow Oak	35	Good	55	REMOVE
380	Quercus palustris	Pin Oak	31.5	Fair	100	REMOVE
385	Quercus palustris	Pin Oak	39	Fair	100	REMOVE
OST-2	Paulownia tomentosa	Empress Tree	30	Good	35	REMOVE
OST-3	Liriodendron tulipifera	Tulip Poplar	30	Good	76	REMOVE

Note: Trees labeled as OST are off-site trees and DBH measurements are estimated.

Tree assessment was performed by Watershed Environmental LLC during a site visit in July of 2023. A visual at-grade-level inspection with no invasive, below grade, or aerial inspections was performed for each tree. Decay or weakness may be hidden out of sight for large trees. Tree species information shown in the table above is based on the approved NRI/FSD.

Tree #351, a 35” dbh Willow Oak (Quercus phellos) in good condition is located at the northern end of the surface parking lot behind the existing office buildings, near the proposed road connection to access the rear of the multi-family building. This tree falls just inside proposed Lot 2 for the existing office building to remain. The critical root zone (CRZ) of tree #351 will be impacted by proposed a utility connection necessary to connect to the existing utility infrastructure for the existing office buildings as well as grading for the proposed road. These impacts affect fifty-five (55) percent of the CRZ. The tree is proposed to be removed due to the greater than thirty (30) percent impact to the CRZ.

Tree #380, a 31.5” dbh Pin Oak (Quercus palustris) in fair condition due to some dead branches, is located in the northwest corner of proposed Lot 1 for the multi-family building. The tree falls just outside the proposed building footprint and is adjacent to the proposed rear access road. This tree falls entirely within the limits of disturbance to construct the multi-family building, rear access road and proposed stormwater management pipes. Given the CRZ impact to this tree is one hundred (100) percent, this tree is proposed to be removed.

Tree #385, a 39” dbh Pin Oak (Quercus palustris) in fair condition due to some dead branches, is located in the northwest portion proposed Lot 1. The tree falls just outside the building footprint and is adjacent to the rear access road and proposed bioretention facility. This tree falls entirely within the limits of disturbance to construct the multi-family building, rear access road and proposed bioretention facility. Given the CRZ impact to this tree is one hundred (100) percent, this tree is proposed to be removed.

Tree #OST-2, a 30” dbh Empress Tree (Paulownia tomentosa) in good condition, is located just



outside the western property line of proposed Lot 1 in the SHA right-of-way of Interstate 270. The tree falls within the area of grading for the rear access road as well as in grading area needed to construct the proposed stormdrain outfall connection. The CRZ impact is thirty-five (35) percent. While adjustments could be made to minimize the impact and save this tree, it is considered an invasive species by the county and the state, and it should be removed to avoid further propagation of this invasive tree.

Tree OST-3 a 30”dbh Tulip Poplar (*Liriodendron tulipifera*) in good condition is located south of tree OST-2 just outside the western property line of proposed Lot 1 in the SHA right-of-way of Interstate 270. The tree falls within the area of grading for the rear access road as well as in grading area needed to construct the proposed stormdrain outfall connection. The CRZ impact is 76% and the tree is proposed to be removed. The removal will be coordinated with SHA as part of the Access Permit process.

Justification of Variance

A Chapter 22A variance is required in order to secure approval of the removal of five (5) identified trees that are considered priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code and the County Code. This variance request is submitted pursuant to Section 22A-21 of Chapter 22A of the County Code and Section 5-1607(c) and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code (the “Natural Resources Article”).

Under the County Code, Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Unwarranted hardship is demonstrated, for the purpose of obtaining a Chapter 22A variance when an applicant presents evidence that denial of the variance would deprive the Applicant of the reasonable and substantial use of the property. Section 22A-21 of the County Code authorizes the grant of a variance under that chapter when an applicant “shows that enforcement would result in unwarranted hardship.”

Natural Resources Article Section 5-1611 authorizes the Planning Board to grant a forest conservation variance “where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant.” Those special features or other circumstances justifying granting of a variance are described below.

Applicant would suffer unwarranted hardship if removal of the designated trees was not allowed. The proposed development implements the goals of the Rock Spring Sector Plan and provides housing in an area identified for growth by its zoning



designation. If the variance were denied, then the Applicant would be precluded from developing the subject property in accordance with its CR zoning, a right that, in the past, has been commonly enjoyed by owners of similar properties.

The project has been designed to maximize housing units in the urban core and to provide a mix of uses in an area where office buildings are prevalent. Although not Specimen or Significant Trees, effort has been taken to keep existing trees on site that provide a buffer to the adjacent property. Removal of Specimen Trees # 351, 380 and 385 are unavoidable to implement the proposed in-fill development with vital housing the county needs. The removal is necessary to build the access road for the multi-family building that will also provide fire access.

(2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;

Any alternative in-fill development, utilizing CR Zoning, in this area would impact at least a similar number of Specimen tree removal. Reducing the amount of density proposed by this development would still result in the removal of Specimen trees, due to the nature of in-fill development. Without this variance, the Applicant would be deprived from the ability to, based on the existing CR zoning, implement the in-fill residential development and would thus be deprived of reasonable use of their property that would be available to others.

Denial of the variance would also deprive the Applicant of rights commonly enjoyed by others in similar areas. This project establishes compatible relationships between new development, existing buildings and future developments planned for the Rock Spring District. The Project includes a mix of residential units in a 7-story building along Rockledge Drive, creating streetscape that enhances the public realm as envisioned in the Sector plan. Avoiding any removal of trees would significantly inhibit maximizing the proposed density. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties in the Rock Spring District that do not have the same degree of environmental constraints.

Approval of the variance will allow the Applicant to create a vibrant multi-family project that will provide amenities to the residents and enhanced streetscape along the Rockledge Drive frontage. Approval will also allow for a more connected, walkable, mixed-use community. All these goals are consistent with the rights enjoyed by nearby property owners.

(3) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result.



The Project will provide stormwater management for Environment Site Design (ESD) to the Maximum Extent Practicable (MEP), utilizing Maryland Department of Environment and Montgomery County methodology. The Stormwater Management Concept proposes facilities consisting of fifteen (15) planter style micro-bioretenion facilities, two (2) at-grade micro-bioretenion facilities, a storage facility, and one (1) storm filter vault. The proposed SWM will improve the water quality, since there is no stormwater management treatment currently on the site.

(4) Provide any other information appropriate to support the request.

The information set forth above satisfies the criteria to grant the requested variance to allow the proposed development to impact eight (8) protected trees as part of this proposed subdivision.

Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21(d) for the following reasons:

1. The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant;
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any similar development of CR Zoned properties, utilizing in-fill development would encounter the same constraints;
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property; and
4. The removal of five (5) trees will not violate State water quality standards or cause measurable degradation in water quality as shown by the information provided on the Stormwater Management Concept Plan.

Additionally, the development is proposing to plant many shade and ornamental trees as shown on the Landscape/ planting plan accompanying the Site Plan submission. This will serve to improve ecological quality and reduce urban heat island effects in an existing urban environment.

For all the above reasons, the Applicant respectfully requests approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code.

Sincerely,

VIKA Maryland, LLC

Chanda Beaufort, RLA
Associate

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Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 22, 2024

MCPB No. 24-054
Sketch Plan No. 320240050
Democracy Center
Date of Hearing: May 30, 2024

RESOLUTION

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

WHEREAS, on February 7, 2024, Democracy Center MF, LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 472,710 square feet of residential uses (393 dwelling units), including 15% MPDUs on 15.35 acres of CR-1.5, C-1.25, R-0.75, H-200 zoned-land, located in the northwest quadrant of the intersection of Rockledge Drive/Fernwood Road and Westlake Terrace and recorded on Record Plat No. 12853 as Parcel 10 (“Subject Property”) in the North Bethesda Policy Area and 2017 *Rock Spring Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320240050, Democracy Center (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 20, 2024, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on May 30, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320240050, Democracy Center, for construction of up to 472,710 square feet of residential

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605

www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

uses (393 dwelling units), including 15% Moderately Priced Dwelling Units (MPDUs) on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. **Density**
The Sketch Plan is limited to a maximum of 1,183,247 square feet of total development, comprised of 472,710 square feet of residential development (including bonus density for providing 15% Moderately Priced Dwelling Units (MPDUs)) and 710,537 square feet of commercial development (including 671,350 square feet of existing development and 39,187 square feet of unbuilt commercial density).
2. **Height**
The development is limited to a maximum building height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.
3. **Incentive Density**
The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least 4 categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.
 - a. Major Public Facility, achieved by providing and constructing a privately-owned public active recreation park;
 - b. Transit Proximity, achieved through level 2 transit proximity;
 - c. Diversity of Uses and Activities, achieved by providing affordable housing and dwelling unit mix;

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

- d. Quality of Building and Site Design, achieved through structured parking and exceptional design; and
 - e. Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations.
4. Public Open Space
The Applicant must provide a minimum of 10% of the Site Area (668,484 square feet) as Public Open Space, totaling 66,848 square feet.
5. Future Coordination for the Preliminary Plan and Site Plan
In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan and Preliminary Plan application:
- a. The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
 - b. The Applicant must submit a noise analysis for the current and future transportation noise impacts at the time of Preliminary Plan.
 - c. Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
 - d. Final design of the public recreation space must be included with the Site Plan.
 - e. Revise the public benefit point calculations to reflect the correct calculations for a major public facility.
 - f. Revise the public benefit point calculations to reflect the level 2 transit proximity to the Property.
6. Validity
A site plan must be submitted within 36 months after the date the resolution is sent for this Sketch Plan per Section 59.7.3.3.G.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 15.35 acres zoned CR-1.5, C-1.25, R-0.75, H-200. The data table below demonstrates the Application’s conformance to the applicable development standards of the zone.

Table 1: Development Standards Data Table for CR-1.5, C-1.25, R-0.75, H-200

Development Standard	Permitted/ Required	Approved
Tract Area (Square Feet/Acres)	n/a	732,003 sf (16.80 ac)
Tract Area - Prior Dedication	n/a	63,519 sf (1.46 ac)
Tract Area - Proposed Dedication	n/a	0.0
Site Area (tract area minus dedications)	n/a	668,484 sf (15.35 ac)
Total Residential Density (GFA/ FAR)	549,002 sf (0.75)	387,467 sf (0.53)
Total Commercial Density (GFA/FAR)	915,003 sf (1.25)	671,350 sf (0.92)
Total Mapped Density (GFA/FAR)	1,098,004 sf (1.5)	1,058,817 sf (1.45)
MPDU requirement	15%	15%
MPDU Bonus Density (GFA/FAR)	85,243 sf (0.12)	85,243 sf (0.12)
Total GFA/FAR	1,183,247 sf (1.62)	1,144,060 (1.56)
Building Height	200 ft	<200 ft
Public Open Space (min s.f.)	66,848 sf	66,848 ²

b. Intent of the Zone

- i. *Implement the recommendations of applicable master plans.*

As detailed in Finding No. 2 below, the Project implements the recommendations of the 2017 *Rock Spring Sector Plan*.

² 57,000 square feet of public open space will be provided through the proposed residential development. The remaining required public open space (9,848 square feet) will be provided in the future on the commercial parcel in connection with any Major Site Plan Amendment.

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

The addition of residential development in this primarily office area helps create a mix of uses beneficial to the entire area.

- iii. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The proposed development will provide a mix of unit sizes with 15% MPDUs. It also introduces multifamily units to an area that is dominated by office uses, with some townhouse residential units nearby. All parking will be contained in an integrated parking structure; thus it will not be provided between the building and the street. The proposed development includes a privately-owned public active recreation park as a major public facility.

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

The proposed development is of similar size to the adjoining office buildings and will be compatible with the existing development. The height and mass of the multi-family residential building is similar to the surrounding office development. Additionally, the proposed building is set back from the road, as are most of the office buildings in the surrounding area.

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

The proposed development will assist in providing a more balanced neighborhood by adding residential units to an area that is primarily developed with office uses.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit, as further discussed in Finding No. 6. Final determination of public benefit points will be made at the time of Site Plan.

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

The Subject Property is located within the Rock Spring Central/Mixed-Use Business campus cluster of the 2017 *Rock Spring Sector Plan* (“Sector Plan”) and is zoned CR-1.5, C-1.25, R-0.75, H-200. The Sketch Plan is consistent with the high-level vision of the Sector Plan, which states:

“The Plan envisions Rock Spring as an employment center that includes new housing, where appropriate, with concentrations of retail at each end of the central spine. New development and redevelopment should focus activity along the proposed central spine.” (Sector Plan, p. 17)

Page 35 of the Sector Plan identifies the Subject Property (Democracy Center) as part of the central spine. The Sketch Plan supports the Sector Plan’s vision by introducing new housing to the area while also constructing a 1.3-acre privately-owned public active recreation park.

Specific high-level recommendations from the Sector Plan that the Application meets include:

- For any new residential projects that develop under the optional method, the Plan recommends 15% MPDUs be provided as a public benefit. (P. 17)
- Create opportunities for infill or redevelopment of single-use commercial areas and surface parking lots with a greater mix of uses and public spaces that will reshape Rock Spring into a well-integrated community. (P. 20)
- Increase publicly accessible green spaces within the Plan area. (P. 20)

The Sector Plan advocates for properties in the Rock Spring Central/Mixed-Use Business Campus cluster to use infill redevelopment to replace existing development patterns with a more comprehensive restructuring of the area into a more mixed-use community (p. 24) which the Sketch Plan accomplishes through a mix of residential and recreational uses complemented by the existing Democracy Center commercial space directly to the south.

The Sector Plan specifically recommends the introduction of residential uses in this area to balance the existing commercial uses, which would be achieved through the realization of this Sketch Plan providing up to 393 dwelling units.

The Sector Plan provides detailed guidance about the existing open space on the Subject Property. Page 59 of the Sector Plan states:

“Should the existing structures on the site [Democracy Center] be razed and the property redeveloped, the existing open space on the northern portion of the site should be considered for the public uses described in Chapter 6, including parkland...If infill is contemplated under optional method development, complete removal of the existing open

space on the northern portion of the site should be discouraged. The portion of the northern open space to be preserved should be considered for conversion to parkland, either through dedication as part of the public open space requirement or a public benefit.” (Sector Plan, p. 59.)

Although the Sketch Plan proposes to redevelop the current open space, the Applicant proposes to develop a 1.3-acre privately-owned public recreation park. These amenities will serve the public as a Privately Owned Public Space (POPS) and include active recreation facilities, which are needed in the area.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The approved development is a compatible height and scale with the surrounding development. The prominently located privately-owned public active recreation park will strengthen the relationship between the existing development and new development.

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

Vehicular access to the Property is via an existing access on Rockledge Drive located just south of the proposed building. Pedestrian access is provided directly from Rockledge Drive and as curving paths incorporated with the open space. Parking is located in an above ground parking structure. A new driveway will also connect to the existing driveway at the southwest corner of the Subject Property. This driveway located along the Property’s western boundary provides access to the building’s loading dock and trash area as well as an entrance to an above ground parking structure. It also serves as fire access.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the

following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site. The final determination of public benefit point values will be determined at Site Plan(s).

Table 2: Public Benefits as Proposed at Sketch Plan

Public Benefit	Maximum Points Allowed	Recommended
Major Public Facilities	70	34.11
Transit Proximity	50	34.39
Diversity of Uses and Activities		
Dwelling Unit Mix	10	10
Moderately Price Dwelling Units	N/A	27.63
Quality Building and Site Design		
Structured Parking	20	10
Exceptional Design	10	5
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	1.14
Total Points	100 (required)	122.27

Major Public Facilities

The Applicant requested 70 points for providing and building a privately-owned recreation park for public use. While the facility is for public use, it will be privately owned as the Department of Parks will not accept the facility in dedication. Points for this incentive are granted based on the land provided and construction of the facility. The Planning Board approves the category and supports a total of 34.11 points at this time.

Transit Proximity

Transit Proximity

The Applicant requested 34.39 points for being within ½ mile of a transit station. The Property is located within ½ mile of two future BRT stations, Level 2 transit. The Planning Board approves the category, but the points allocated must be corrected through the Site Plan to reflect the proximity to Level 2 transit facilities.

Diversity of Uses and Activities

Moderately Priced Dwelling Units

The Applicant requested 27.63 points for providing 15% MPDUs. The development will provide 59 MPDUs, 2.5% above the minimum required. The Planning Board approves the category.

Dwelling Unit Mix

The Applicant requested 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units. The development proposes to provide a mix of unit types meeting this criterion. The Planning Board approves the category.

Quality Building and Site Design

Structured Parking

The Applicant requested 10 points for providing structured parking. The development will provide an above-grade parking structure for the proposed development. The Planning Board approves the category.

Exceptional Design

The Applicant requested 5 points for providing exceptional design. The development proposes to provide exceptional design by creating an outstanding relationship between the privately-owned public active recreation park and the multi-family building. The design will separate public and private spaces while providing a transition that creates a cohesive development. The Planning Board approves the category.

Building Lot Terminations

The Applicant requested 1.14 points for providing BLTs for the 193,229 square feet of incentive density. The Planning Board approves the category.

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

The proposed development will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Democracy Center, Sketch Plan No. 320240050, received by M-NCPPC as of

the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 22, 2024

(which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, July 18, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

ROCK SPRING PARK SITE PLAN AMENDMENT NO. 81981030B

Request to amend Site Plan 81981030A and to add 1,040 square feet to enclose the lobby in Building 2; make corresponding revisions to the public open space and landscaping in between Buildings 1 and 2; and improve the public open space and landscaping in between Buildings 2 and 3.

No. 81981030B

Completed: 12-8-2023

Administrative
Approval

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Troy Leftwich, Planner III, Midcounty Planning, Troy.Leftwich@montgomeryplanning.org, 301-495-4553

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION/ADDRESS

Located at the northwest quadrant of the intersection of Fernwood Road and Rockledge Drive in Rock Spring

MASTER PLAN & ZONE

2017 *Rock Spring Sector Plan*

CR -1.5, C-1.25, R-.075, H-200

PROPERTY SIZE

15.63 acres

APPLICANT

G&I X Democracy Center, LLC

ACCEPTANCE DATE

February 20, 2023

REVIEW BASIS

Chapter 59-D-3.7(d)

Summary:

- The Minor Site Plan Amendment Proposal will allow for improvements to the open space and add a new enclosed lobby.
- The proposed Amendment is consistent with the provisions 59-D-3.7(d) of the Zoning Code in effect on October 29, 2014. The Amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the site plan.
- No community correspondence has been submitted for this Application.

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Under Section. 59-D-3.7(d)of the Zoning Code in effect on October 29, 2014, the Planning Director may approve in writing certain applications for amendments to a Certified Site Plan. Such amendments include any change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. This type of amendment does not include any change that increases the approved total density (approved for 716,400 sf) or height or prevents circulation on any street or path out, quality, or intent of the plan.

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the Intake and Regulatory Coordination (IRC) Division is required. However, submittal of the application to IRC is required. In addition, applicants must provide public notice under Division 7.5.

On February 20, 2023, G&I X Democracy Center, LLC ("Applicant") filed a site plan amendment application designated Site Plan Amendment No. 81981030B ("Amendment") for approval of the following modifications:

1. Add 1,040 square feet to enclose the lobby in Building 2;
2. Make corresponding revisions to the public open space and landscaping in between Buildings 1 and 2; and
3. Improve the public open space and landscaping in between Buildings 2 and 3;

SITE DESCRIPTION

The Subject Property is approximately 15.33 acres in size, and zoned CR-1.5, C-1.25, R-0.75, H-200. The Property was originally developed under the then C-P zoning of the Property. The Property is a recorded lot, located at the northwest quadrant of the intersection of Fernwood Road and Rockledge Drive in Rock Spring. The Property was approved in the mid-1980's for the development of three triangular shaped office buildings with up to a total of 716,400 square feet, situated around a cross axis of open space. The State Department of Assessment and Taxation records indicate that the Property was improved with 670,310 square feet. The fourth quadrant created by the cross-axis that fronts on Rockledge Drive serves as the entrance feature to the Property and contains open space, signage and minimal landscaping. The Property includes a total of 1,773 parking spaces with 304 surface parking spaces and 1,469 below grade parking spaces.



Figure 1- Vicinity Map

PREVIOUS APPROVALS

The prior approvals on the Subject Property consist of the following:

- Site Plan 819810300, approved April 20, 1981 for three buildings and a total of 660,000 square feet;
- Administrative revision to Site Plan 819810300, approved October 26, 1981 to increase the total square footage to 716,400;
- Preliminary Plan 119729670, approved January 31, 1980 Record Plat No. 12853;
- Minor Site Plan Amendment 81981030A, approved August 21, 2012 to add generator pad, enclosure and landscaping.

PROPOSAL

Following the approvals described above, the Applicant is now seeking to amend Site Plan 81981030A to modify add the following:

1. Add 1,040 square feet to enclose the lobby in Building 2;
2. Make corresponding revisions to the public open space and landscaping in between Buildings 1 and 2; and
3. Improve the public open space and landscaping in between Buildings 2 and 3.

These changes are minor but will improve the aesthetic and functional experience for the future users and occupants of the office building. As part of the review of this Application, the Applicant has coordinated with Montgomery Planning Staff to ensure that these updates do not negatively alter the approved building, which was previously thoroughly reviewed by the Planning Department.

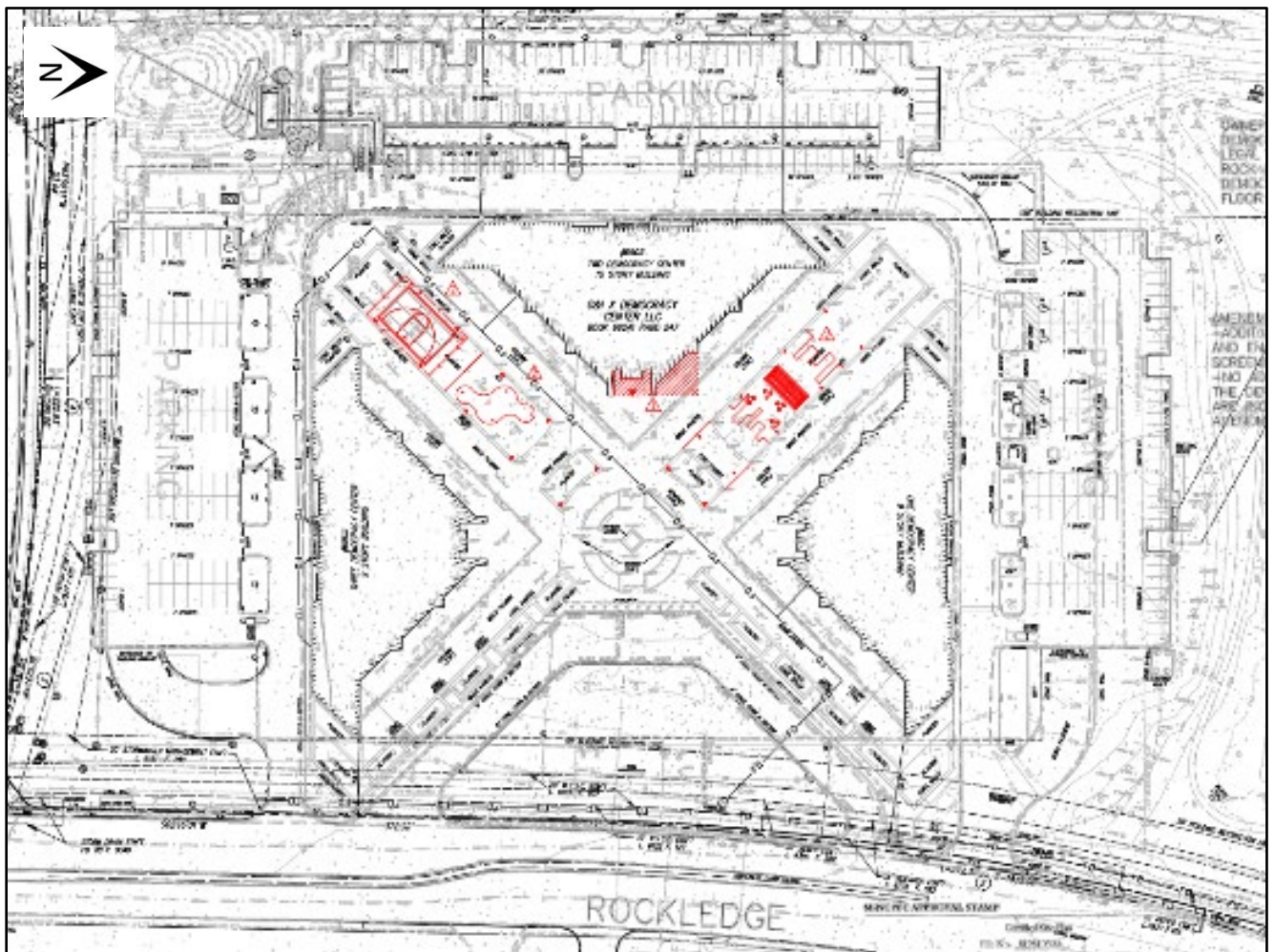


Figure 2- Redline Site Plan

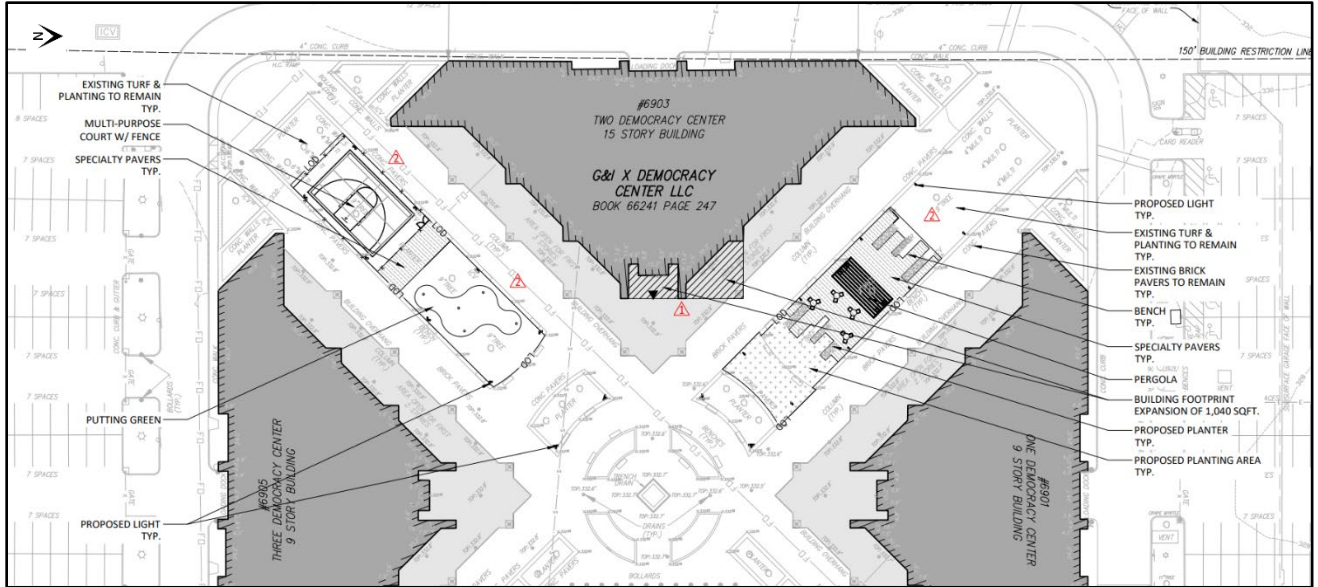


Figure 3- Details of Site Plan Changes

Although the Subject Amendment includes a minor increase in density, compared to what is existing on the site today, the proposed building addition remains within the maximum density approved for the Subject Property.

Table 1: Rock Spring Park, Site Plan Amendment No. 81981030B Data Table for CR Zone

Development Standard	Proposed
Tract Area	667,775 SF (15.33 AC)
Mapped Density CR-1.5, C-1.25, R-0.75, H-200	
Total Mapped Density (FAR)	1.25
Approved GFA	716,400 SF
Existing GFA	670,310 SF
Proposed Addition GFA	1,040 SF
Total GFA	671,350 SF

FINDINGS

Further, the Applicant has communicated with the Montgomery County Department of Permitting Services (MCDPS) and Fire and Rescue to ensure that the proposed amendment does not affect previous approvals. All Agencies completed a review of this Application and concur with Staff's recommended approval of this Amendment.

A notice of the subject Amendment was sent to all required parties by the Applicant on October 23, 2023. The notice gave the interested parties 15 days to review and comment on the contents of the Amendment. Staff did not receive any correspondence regarding the Amendment.

The minor amendment is a change to landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan.

The minor amendment does include a minor increase in density compared to what is existing on the site today, however, the proposed building addition remains within the maximum density approved for the Subject Property. There is no change in height or modifications that prevent circulation on any street or path.

The proposed Amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The Amendment will have a minimal effect on the overall design, layout, quality or intent of the site plan.

This Amendment shall remain valid per Section 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY



JASON K. SARTORI, PLANNING DIRECTOR

12/12/2023

DATE APPROVED



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PLAN SUBMITTAL REQUIREMENTS FOR MINOR, CONSENT AGENDA AND LIMITED PLAN AMENDMENTS¹

PLAN NAME: Rock Spring Park

PLAN NUMBER: 81981030A

APPLICANT CONTACT INFO: c/o Andy Bradshaw

PHONE NUMBER: 301-963-1133

The following determination has been made concerning the Applicant's request to amend of the above-referenced plan for the following plan elements: addition of generator enclosure and pad.

CHECKLIST

<u>ITEM</u>	<u>QTY.</u>
✓ COMPLETE FULL APPLICATION _____	1
✓ FEE SCHEDULE & FEE _\$500_____	1
☐ PRE-APPLICATION MEETING WITH DRD INTAKE	
SECTION REQUIRED _____	1
✓ ORIGINAL CERTIFIED PLAN(S) WITH OPINION / RESOLUTION _____	1
✓ LETTER OF EXPLANATION DETAILING CHANGES BEING REQUESTED _____	3
✓ APPLICATION NOTICE BY APPLICANT (Draft Copy) _____	1
☐ HEARING NOTICE BY DRD STAFF _____	1
✓ ADJACENT PROPERTY OWNER LIST + HOA, CIVICS, SCHOOL CLUSTER	
○ PAPER COPY _____	1
○ SETS OF LABELS _____	1
✓ SETS OF AMENDED PLANS (REDLINED CHANGES SUPERIMPOSED) _____	3
✓ SETS OF AMENDMENT PLANS (CHANGES TO BE APPROVED INTEGRATED)	
○ WITH NEW TITLE INFORMATION, & LIST OF AMENDMENT ITEMS ON PLAN- (ENTIRE SET) _____	3
✓ ALL SHEETS <u>SIGNED, SEALED & DATED BY PROFESSIONAL</u>	
✓ DEVELOPERS CERTIFICATE & MNCPPC SIGNATURE BLOCK ON ALL SHEETS	
✓ CERTIFICATE OF COMPLIANCE (COMPLETED BY APPLICANT OR REPRESENTATIVE	
○ CERTIFYING THAT APPLICATION IS COMPLETE, ACCURATE AND READY FOR PROCESSING)	
✓ CD WITH PDF OF NEW AMENDED PLANS _____	1
☐ DEVELOPMENT REVIEW COMMITTEE (DRC) MEETING REQUIRED	
✓ SIGNAGE INFORMATION: (PICTURE(S), AFFIDAVIT, & LOCATION PLAN)	1

The Checklist is required to be submitted with each application for amendment and must include the Certification by the Applicant or Applicant's Representative.

¹ Procedures for Plan Amendments are consistent with Section 8 of the approved and adopted Development Review Manual dated December, 2007.

CONSENT AGENDA AMENDMENT (SECTION 8.D)

Consent items are considered *de minimis* and uncontested by the public and can include Project Plans, Preliminary Plans and Site Plans. These modifications do not alter the intent or objectives of the approved plans. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, the above checklist items are applicable. Consent Agenda Items must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and must go to the Planning Board.

~~APPROPRIATE TO SUBMIT AS A CONSENT AGENDA AMENDMENT~~

LIMITED PLAN AMENDMENT (SECTION 8.E)

Limited Plan Amendments are revisions to the approved plans that alter a fundamental element of the Planning Board's approval (i.e. increase in density/FAR or height, change to setbacks), and can include Project Plans, Preliminary Plans and Site Plans. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section may be required, and the above checklist items are applicable. Limited Plan Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (i) of the Development Manual and must go to the Planning Board.

~~APPROPRIATE TO SUBMIT AS A LIMITED PLAN AMENDMENT~~

ADMINISTRATIVE AMENDMENT (SECTION 8.F)

Administrative Amendments are modifications to the approved Project Plan or Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan. A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, the above checklist items are applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a)(i) of the Development Manual and require approval of the Planning Director. Administrative Amendments do not apply to Preliminary Plans.

APPROPRIATE TO SUBMIT AS AN ADMINISTRATIVE AMENDMENT

NOTE:

- ALL PRELIMINARY AND SITE PLAN AMENDMENTS REQUIRE A CERTIFIED PLAN TO BE PROCESSED AFTER THE AMENDED PLANS ARE APPROVED
- THIS AMENDMENT CHECKLIST IS ONLY VALID FOR **90 DAYS** FROM THE SIGNATURE & DATE BELOW. EXPIRATION REQUIRES A NEW MEETING WITH THE SUPERVISOR AND A NEW CHECKLIST. YOUR APPLICATION **EXPIRATION DATE** IS: 6/29/12
- NOTICE IS **NOT** TO BE MAILED UNTIL THE AMENDMENT IS OFFICIALLY ACCEPTED!



Supervisor

Date

3/29/12



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907

MONTGOMERY COUNTY PLANNING BOARD

February 25, 1982

OPINION

Site Plan Review # 8-81030

Project Democracy Center Office Complex


On January 29, 1982, Boston Properties submitted an application for the approval of a site plan for property in the C-P zone. The application was designated Site Plan Review # 8-81030.

On February 18, 1982, Site Plan Review # 8-81030 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

and approves Site Plan Review # 8-81030 subject to the following conditions:

1. submission of a final parking layout;
2. submission of a final landscape and site lighting plan to include provision for outdoor seating in the park and court areas;
3. submission of a development program including project phasing and points of inspection;
4. execution of an agreement for completion of the site plan features; and
5. construction of the median in Rockledge Drive in accordance with County Department of Transportation requirements.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907

February 12, 1982

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Site Plan Review #8-81030
Boston Properties, C-P Zone,
Rockledge Drive, North Bethesda

The Board approved the site plan on May 21, 1981. On January 29, 1982, Boston Properties filed an amendment to the site plan requesting additional floor area in the proposed buildings and a corresponding increase in the parking.

Staff has received no statement in opposition to the proposal.

Staff Recommendation

Approval subject to:

1. submission of a final parking layout; *Phase III (city hearing)*
2. submission of a final landscape and site lighting plan;
3. submission of a development program including project phasing and points of inspection;
4. execution of an agreement for completion of the site plan features; and
5. construction of the median in Rockledge Drive in accordance with County Department of Transportation requirements.

Approved Plan

The approved plan consists of 660,000 gross square feet of office space arranged in three buildings, with underground parking for 1,488 cars and surface parking for an additional 274 cars. Access to the site will be from Rockledge Drive. The project will be built in three phases beginning with building 1 to the north.

At the time of approval of the plan, the staff traffic analysis concluded that with the inclusion of the Fernwood Road Bridge in the Capital Improvement Program, the local transportation system can support the proposed level of development.

Proposed Amendment

As indicated in the attached supporting documentation submitted by the applicant, the proposed changes include 1) increasing the floor area to a total of 716,400 square feet; 2) increasing the height of the buildings by about five feet, three feet of which results from raising the plaza elevation and underground parking decks; and 3) changes to the parking layout to accommodate the additional amount necessary, located predominantly in the garage, but with an expansion of the surface parking to the south.

Staff has no objections to these proposals. The increase in floor area results from inserting a mezzanine in what was formally a two-story first floor in the buildings as originally conceived. In the opinion of staff, the slight increase in overall height is more than offset by the stepping inward of the upper two floors of the buildings. Staff prefers Option B of the two alternative parking layouts, but would not object to either Option, provided adequate landscaping is provided in conformance with the new layout.

The amended proposal conforms to all of the requirements in the C-P Zone, the structures, open space, vehicular and pedestrian circulation are adequate, safe, and efficient, and the development is compatible with surrounding existing and potential development.

Traffic Analysis

The increase in traffic resulting from the amendment will not overburden the transportation system. Also, the preliminary plan for this site has already been approved. On the otherhand, the traffic generation of this project is now larger than originally anticipated. The Board has already recommended to the County Council that the Fernwood Bridge should be retained in the Capital Improvement Program for construction, and accordingly, staff recommends approval of the amended site plan. (See attached traffic analysis from the Transportation Division.)

DA:dh
Attachment

Washington National Capital
Park and Planning Commission

Montgomery County
Planning Board

Approved Preliminary
Subdivision Plan No. 179267

At its Meeting of 1-21-80
O.P.M. Letter Dated 1/21/80
WOOD

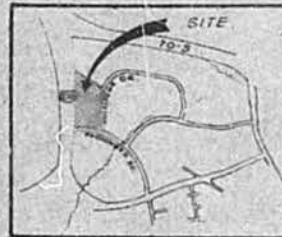
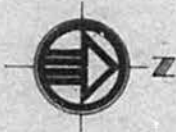
Subject Title

1. The application of double/double/democracy
or the modification of boundaries at
Pinebrook/Democracy for additional double
left turn lanes.

2. The crest of a tree line right turn lane
south to west on Old Spring Run Rd. at
Oak Spring Gap.

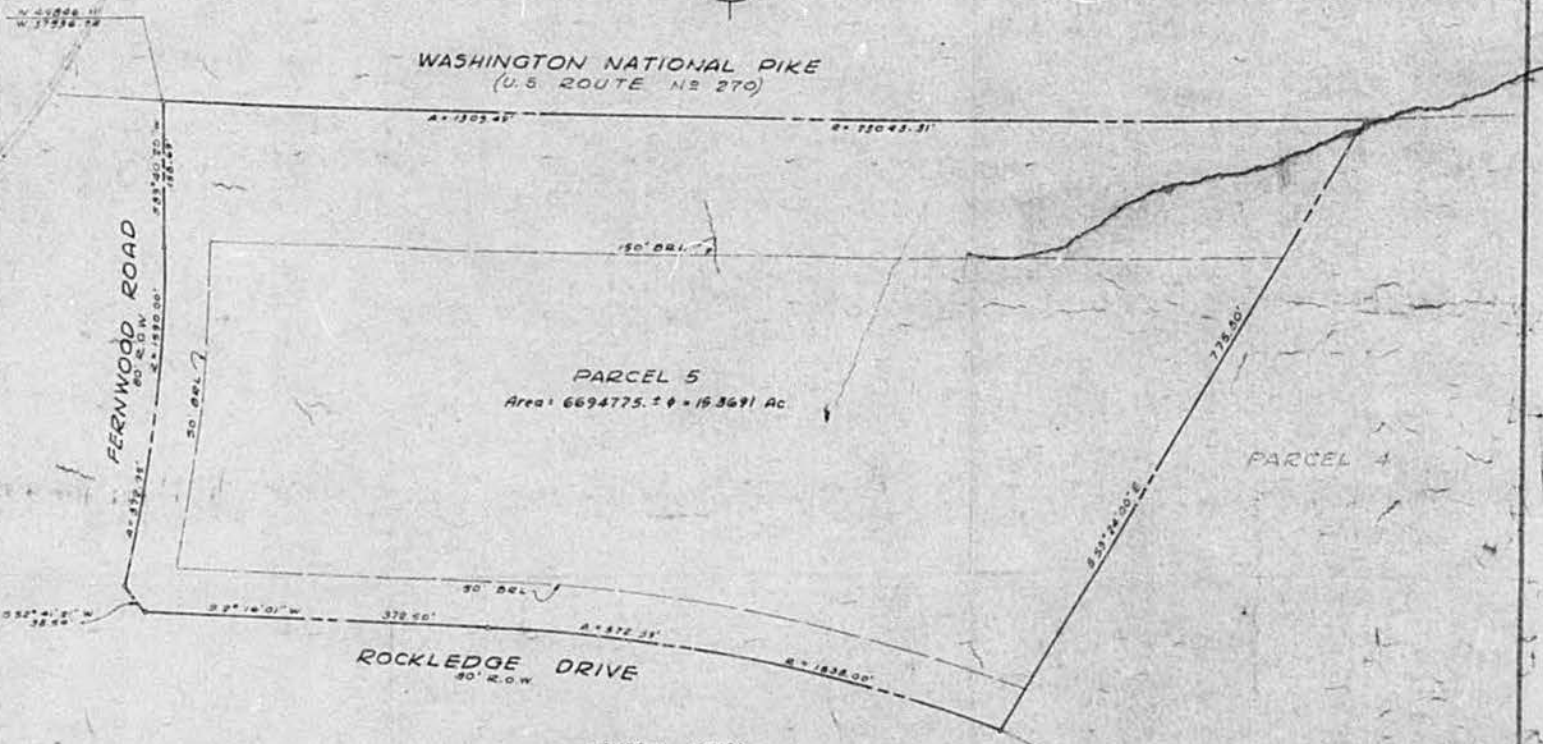
- The modification of Fernwood/Rockledge for double left
turn operations on Rockledge.
- The reconstruction of the median left turn storage on Rockledge
adjacent to Pinebrook/Parade to provide some access at a single
median turn which is a condition of site plan approval.
- Temporary references on Rockledge to be approved by
Met. & Dist. & Planning Bd.
- Planning Bd. to review parking & landscaping along
I-275.
- Provision for necessary water drainage easements.

THE LOCAL PLANNING COMMISSION
AND THE MONTGOMERY COUNTY
PLANNING BOARD
BY: [Signature]
SUGGESTED CHAIRMAN



VICINITY MAP
SCALE: 1" = 1000'

1-179267 Rock Springs Park



GENERAL NOTES

- Subdivision plan for Public Water & Sewer.
- Site Area 6694775 SF = 15.3691 Ac.
- Number of lots: 1
- Property Reference: Plat Book 97, Plot 10870

Contract Purchaser: Southern Pacific Land Co.
1 Market Street
San Francisco, California 94105
Tel. 915-362-1018

P13NH7

Montgomery Co., Maryland Department Of
Transportation.
Date _____
Director _____

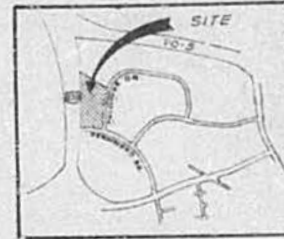
Department Of Environmental Protection
Date _____
Director _____

Maryland National Capital Park & Planning Comm.
Montgomery Co. Planning Board
Date _____ Chairman _____
M.N.C.P./P.C. Record
File No. _____ Secretary-Treasurer _____

PRELIMINARY RESUBDIVISION PLAN

OUTLOT A INTO
PARCEL 5
ROCK SPRINGS PARK
ROCKVILLE (MO. 4) DISTRICT
MONTGOMERY CO., MARYLAND
SCALE: 1" = 100' DATE: NOV 19, 1979
PREPARED BY:
ASSOCIATED ENGINEERS, INC.
855 SIXTEENTH STREET
SILVER SPRING, MARYLAND
TEL. 589-7311

25

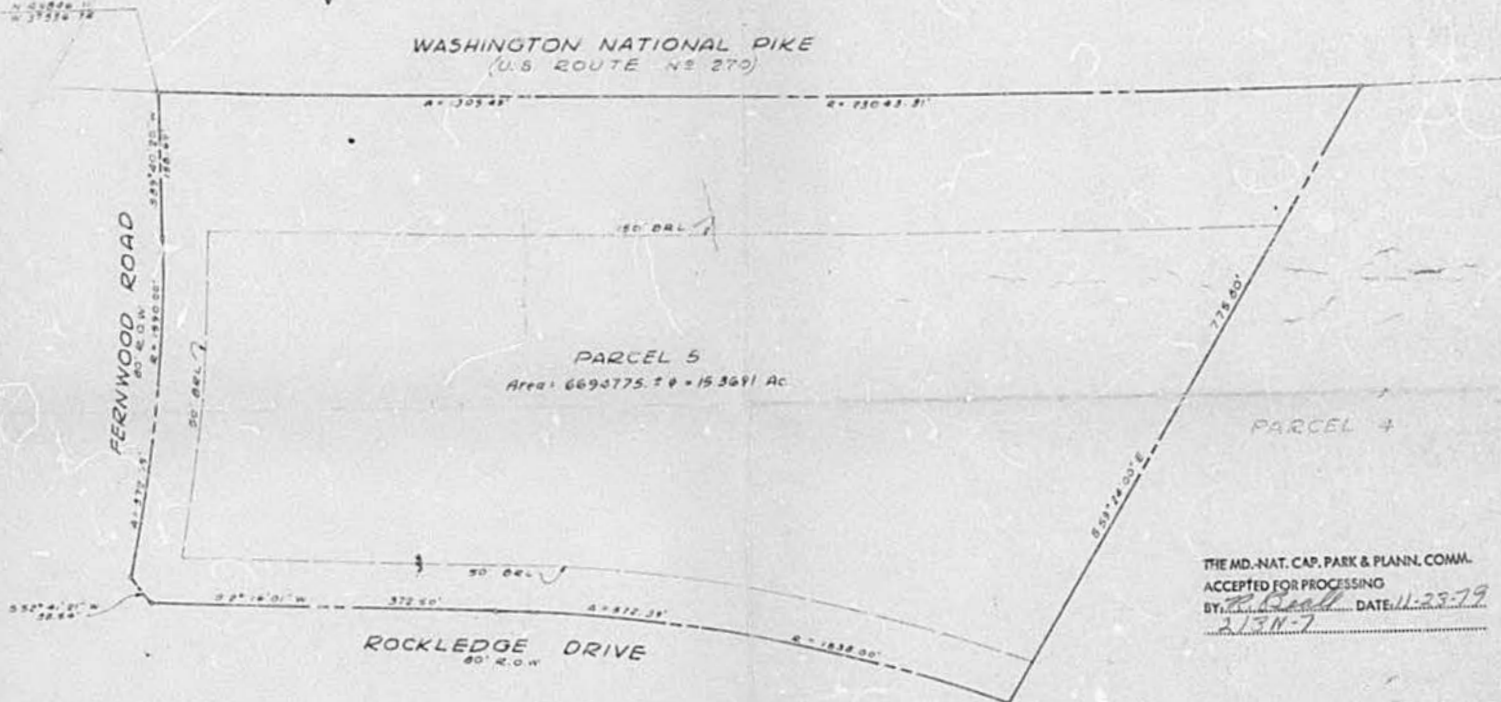


VICINITY MAP
SCALE: 1" = 800'



WASHINGTON NATIONAL PIKE
(U.S. ROUTE NO. 270)

1-77527 Rock Spring Park



PARCEL 5
Area: 6690775.79 = 15.3691 Ac

PARCEL 4

THE MD.-NAT. CAP. PARK & PLANN. COMM.
ACCEPTED FOR PROCESSING
BY: P. Seal DATE: 11-23-79
2/31-7

GENERAL NOTES

1. Subdivision plan for Public Water & Sewer
2. Site Area 6690775 SF = 15.3691 Ac
3. Number of lots: 1
4. Property Reference: Plot Book 97, Plot 10870

RECOMMENDED FOR APPROVAL
Montgomery County, Maryland
Department of Transportation
Date: DEC 20 1979
By: [Signature]

- *SUBJECT TO:
1. Slope & Drainage Easements
 2. Comments in Green
 3. Setting of Monuments by certification on Plat or by Public Improvement Agreement
 4. Letter Dated: DEC 20 1979

Contract Purchaser: Southern Pacific Land Co.
1 Market Street
San Francisco, California 94105
Tel. 415-362-1212

PRELIMINARY RESUBDIVISION PLAN

OUTLOT A INTO
PARCEL 5
ROCK SPRINGS PARK
ROCKVILLE (NO. 4) DISTRICT
MONTGOMERY CO., MARYLAND
SCALE: 1" = 100' DATE: NOV 19, 1979
PREPARED BY
ASSOCIATED ENGINEERS, INC.
855 SIXTEENTH STREET
SILVER SPRING, MARYLAND
TEL 582-7301
MNC/PC 1-7267

2/3 NW 7
Montgomery Co., Maryland Department Of Transportation
Date: _____

Director

Department Of Environmental Protection
Date: _____

Director

Montgomery National Capital Park & Planning Comm
Montgomery Co. Planning Board
Date: _____ Chairman
M.N.C.P. & P.C. Record
File No: _____ Secretary - Treasurer

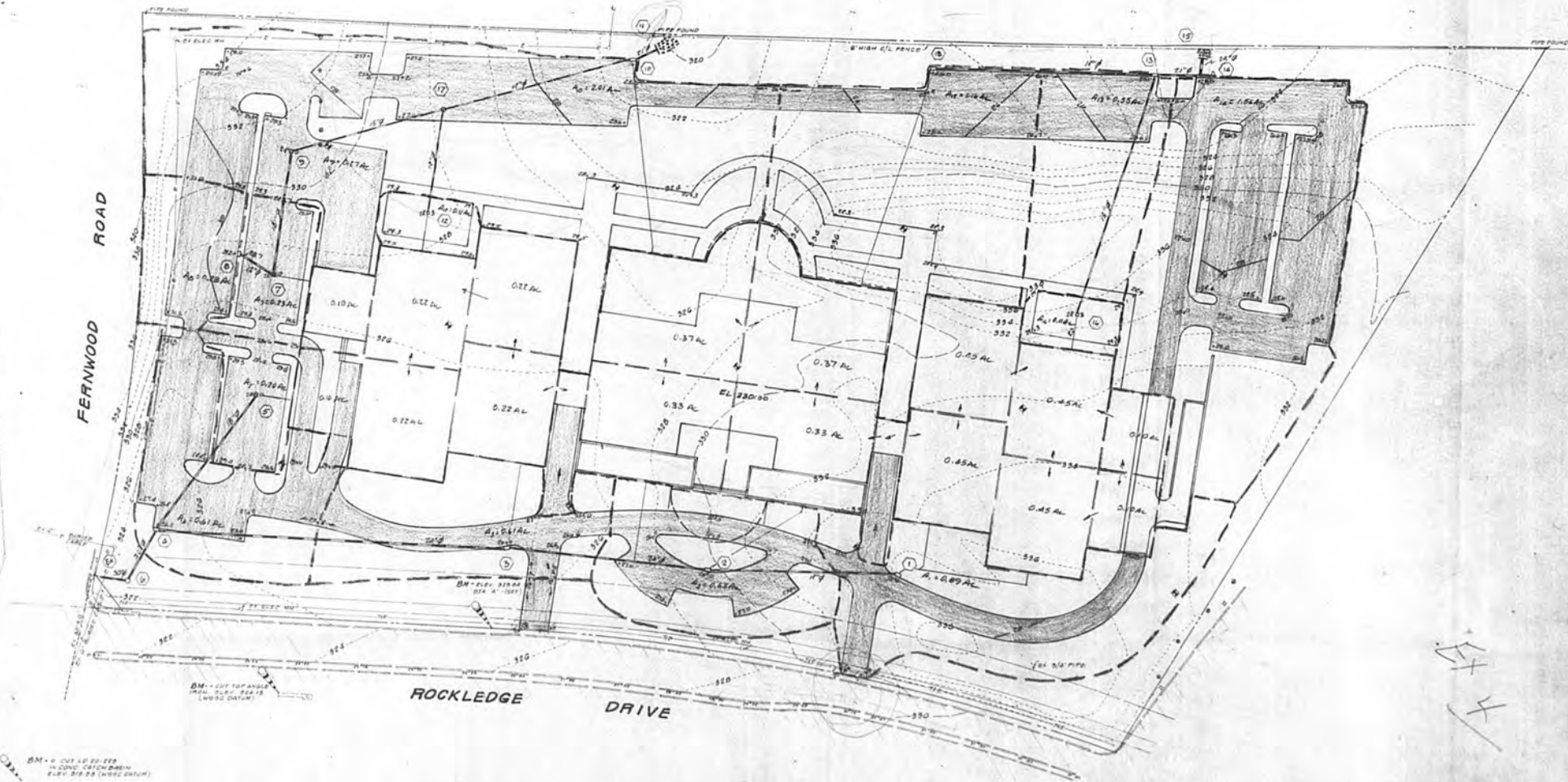
15



U.S. ROUTE #270

FERNWOOD ROAD

ROCKLEDGE DRIVE

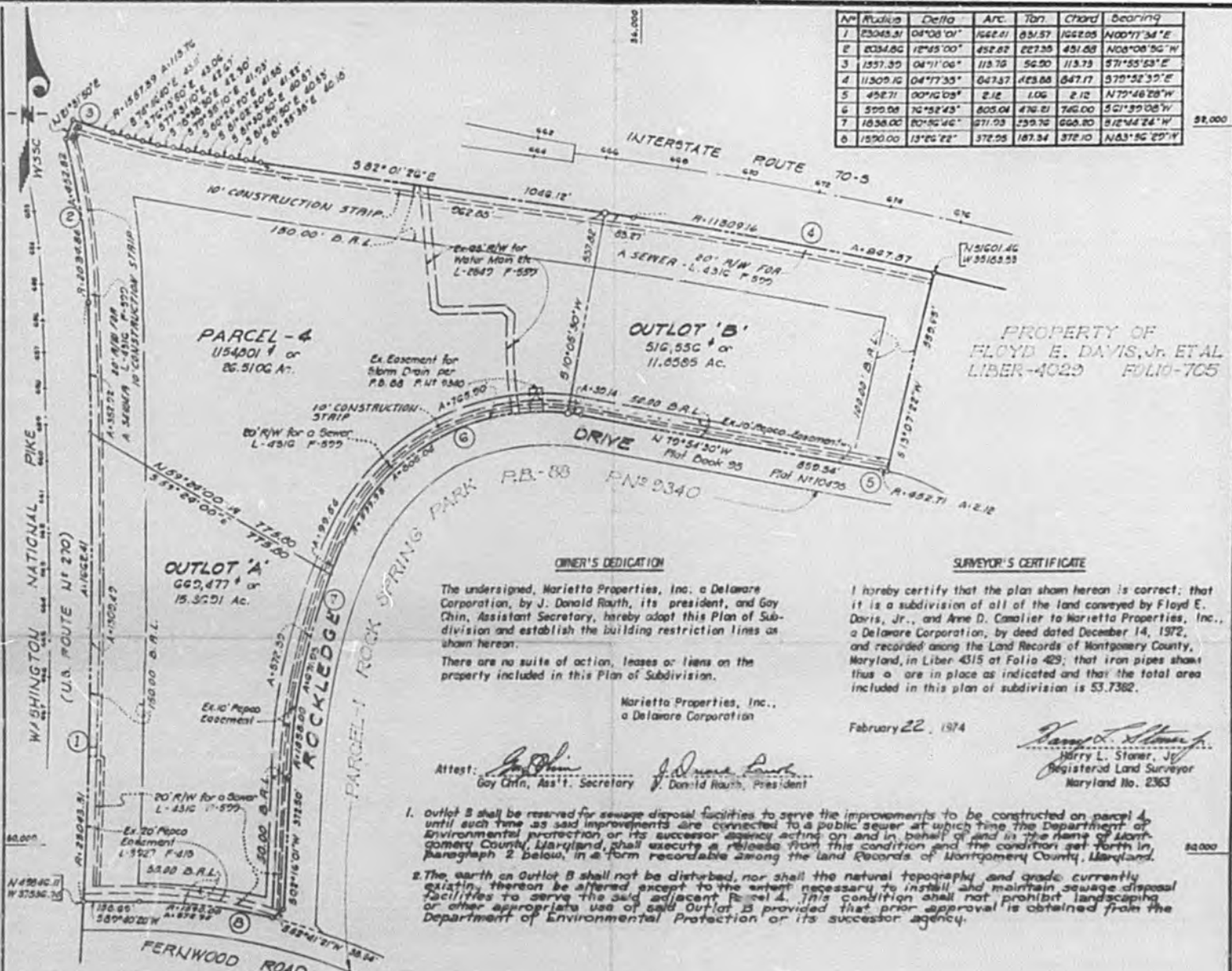


BM - 6 CUT UP PIPE IN CONC. CATCH BASIN ELEV. 312.22 (WOOD DATUM)

FF
FF

DRAWING TITLE DRAINAGE STUDY	SHEET NO. 1 OF 2	PROJECT NO. 2870
	DRAWING DATE 1/28/51	DRAWING BY W.E. HARRIS
CLIENT WESTERN PACIFIC RAILROAD COMPANY ROCK SPRING PARK ROCKVILLE, MO., ST. LOUIS DISTRICT WASHINGTON COUNTY, MISSOURI		ENGINEER ASSOCIATED ENGINEERS, INC. 2000 WILSON BLVD., SUITE 200 SILVER SPRING, MARYLAND 20910 TEL. 301-588-0100

No	Radius	Delta	ARC	Tan	Chord	Bearing
1	23045.51	04°08'01"	1442.01	831.57	1022.05	N00°11'34"E
2	2034.06	12°45'00"	452.22	227.35	451.68	N08°00'50"W
3	1557.35	04°11'06"	113.70	56.90	113.73	S71°55'53"E
4	11309.10	04°17'35"	647.37	423.88	647.17	S70°52'30"E
5	452.71	00°10'03"	2.12	1.06	2.12	N79°46'28"W
6	500.00	70°58'43"	605.00	470.21	746.00	S01°39'08"W
7	1838.00	20°16'46"	271.03	259.70	605.20	S12°14'24"W
8	1590.00	15°26'22"	372.05	187.34	372.10	N43°16'20"W



PROPERTY OF
 FLOYD E. DAVIS, JR. ET AL.
 LIBER-4029 FOLIO-705

OWNER'S DEDICATION

The undersigned, Marietta Properties, Inc. a Delaware Corporation, by J. Donald Raub, its president, and Gay Chin, Assistant Secretary, hereby adopt this Plan of Subdivision and establish the building restriction lines as shown hereon.
 There are no suits of action, leases or liens on the property included in this Plan of Subdivision.

Marietta Properties, Inc.,
 a Delaware Corporation

Attest: *Gay Chin*
 Gay Chin, Ass't. Secretary

J. Donald Raub
 J. Donald Raub, President

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all of the land conveyed by Floyd E. Davis, Jr., and Anne D. Camolier to Marietta Properties, Inc., a Delaware Corporation, by deed dated December 14, 1972, and recorded among the Land Records of Montgomery County, Maryland, in Liber 4315 at Folio 429; that iron pipes shown thus on the plan are in place as indicated and that the total area included in this plan of subdivision is 53.7382.

February 22, 1974

Harry L. Stoner, Jr.
 Harry L. Stoner, Jr.
 Registered Land Surveyor
 Maryland No. 2363

- Outlot B shall be reserved for sewage disposal facilities to serve the improvements to be constructed on parcel 4 until such time as said improvements are connected to a public sewer at which time the Department of Environmental Protection or its successor agency acting on and in behalf of and in the name of Montgomery County, Maryland, shall execute a release from this condition and the conditions set forth in Paragraph 2 below, in a form recordable among the Land Records of Montgomery County, Maryland.
- The earth on Outlot B shall not be disturbed, nor shall the natural topography and grade currently existing, thereon be altered except to the extent necessary to install and maintain sewage disposal facilities to serve the said adjacent Parcel 4. This condition shall not prohibit landscaping or other appropriate use of said Outlot B provided that prior approval is obtained from the Department of Environmental Protection or its successor agency.

To be served by public water and interim septic system.

Department of Environmental Protection
 Montgomery County, Maryland

Approved MAR. 22, 1974
H. Clayton
 Director

Maryland-National Capital Park and Planning Commission
 Montgomery County Planning Board

APPROVED: March 28, 1974
W. C. Green
 Chairman
C. R. Green
 Secretary-Treasurer

MHC/P/PC RECORD FILE NO. 517-86

Montgomery County, Maryland
 Department of Transportation

APPROVED APRIL 30, 1974
Dr. Richard J. Lynch
 Director

Recorded: 6-7-74
 Plat Book: 97
 Plat No. 10830

**PARCEL 4 AND
 OUTLOTS 'A' AND 'B'**

ROCK SPRING PARK

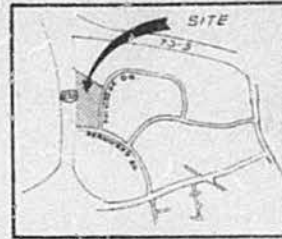
ROCKVILLE (M18) DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1"=200'
 February, 1974

GREENHORNE & O'MARA, INC.
 Engineers-Architects-Planners-Surveyors
 6715 Maninorth Avenue
 Rockville, Maryland 20850

114613
 N.W.M.
 1974-M

213NW7R

517-86

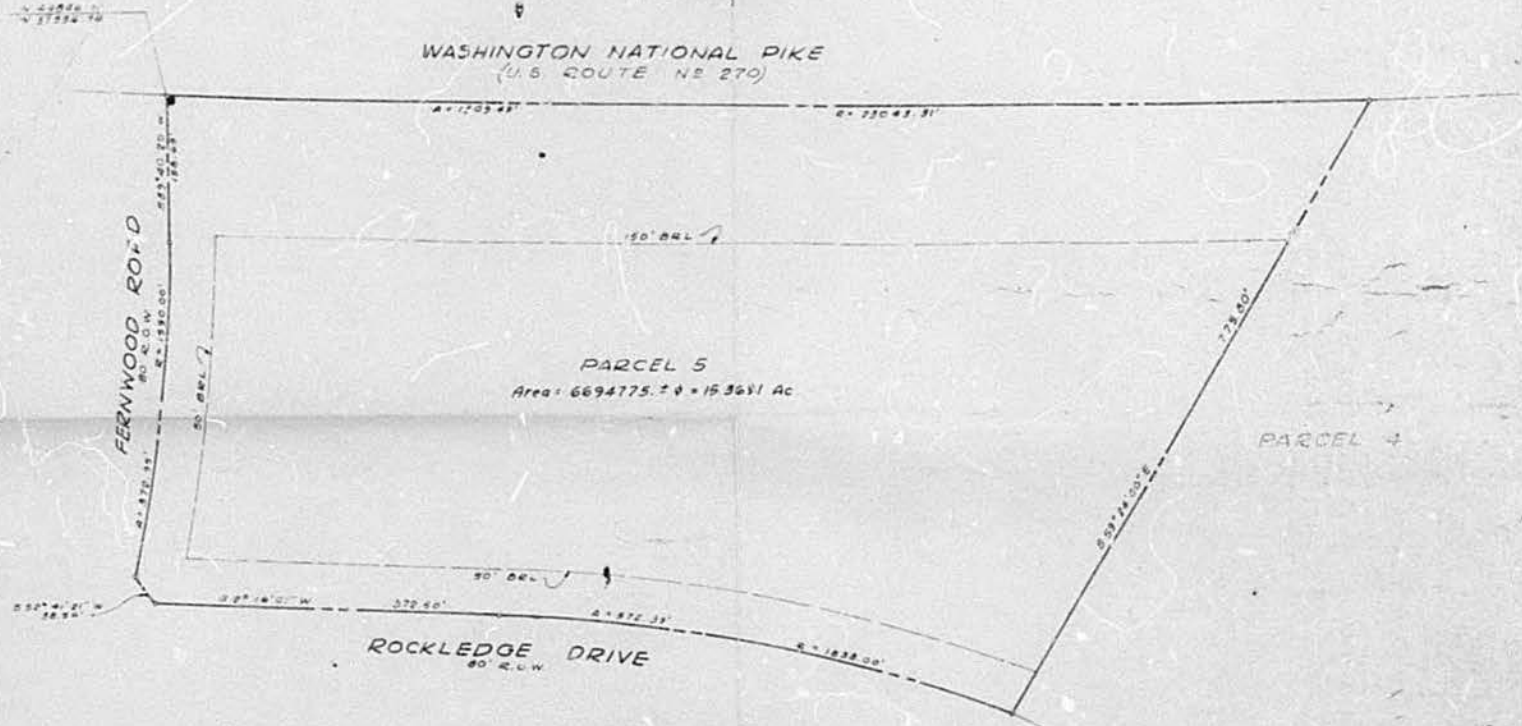


VICINITY MAP
SCALE: 1" = 1000'



WASHINGTON NATIONAL PIKE
(U.S. ROUTE NO. 270)

177207 Rock Springs Park



GENERAL NOTES

1. Subdivision plan for Public Water & Sewer.
2. Site Area 6694775 SF = 153691 Ac
3. Number of lots: 1
4. Property Reference: Plat Book 97, Plat 10820

Contract Purchaser: Southern Pacific Land Co.
1 Market Street
San Francisco, California 94105
Tel. 415-362-1211

PRELIMINARY RESUBDIVISION PLAN

OUTLOT A INTO
PARCEL 5

ROCK SPRINGS PARK

ROCKVILLE (NO. 4) DISTRICT
MONTGOMERY CO., MARYLAND

SCALE: 1" = 100' DATE: NOV 19, 1979

PREPARED BY
ASSOCIATED ENGINEERS, INC.
8555 SIXTEENTH STREET
SILVER SPRING, MARYLAND
TEL. 583-1511

113 NW 7

Montgomery Co., Maryland Department Of Transportation

Date: _____

Director

Department Of Environmental Protection

Date: _____

Director

Maryland National Capital Park & Planning Comm.
Montgomery Co. Planning Board

Date: _____ Chairman

M.N.C.P. & P.C. Record

File No: _____ Secretary - Treasurer

15

Attachment E



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

December 13, 2024

Ms. Amy Lindsey, Planner III
MidCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr
Wheaton, MD 20902

RE: Preliminary Plan No. 120250020
Democracy Center
Preliminary Plan Letter

Dear Ms. Lindsey:

We have completed our review of the revised preliminary plan uploaded to eplans on November 15, 2024. A previous version of the plans was reviewed by the Development Review Committee at its October 8, 2024, meeting. This plan is tentatively scheduled for the January 16, 2024, Planning Board meeting. We recommend approval of the plans subject to the following comments:

Significant Comments

1. Rockledge Drive is classified as a Downtown Street with 2 existing lanes and a minimum right-of-way (ROW) of 80 feet. Plat #12853 shows the current ROW is 80-feet. Based on this plat, additional dedication is not necessary.
2. The Rock Spring Sector Plan recommends a road diet for Rockledge Drive from Westlake Terrace to Rockledge Boulevard, reducing it to two lanes with a center turn lane and bicycle accommodations on both sides of the road. To provide offsite improvements per LATR requirements, the applicant must implement a modified Rockledge Drive road diet section. Before the release of any above-ground building permit, the road diet improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements. The improvements must be completed prior to the issuance of the first use and occupancy permit.

Office of the Director

101 Monroe Street, 10th Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax
www.montgomerycountymd.gov/mcdot

 montgomerycountymd.gov/311 301-251-4850 TTY

- a. The certified site plan shall reflect the following proposed road diet improvements extending from the edge of the west curb to the edge of the east curb along the entirety of the project's frontage from the subject property northern property line/Lockheed Martin south driveway up to the intersection of Rockledge Drive and Westlake Terrace (shown on Plan 07-120250020-001 V4):
 - 6.5-foot bicycle lane
 - 5-foot minimum bicycle buffer (will vary in certain locations)
 - 12-foot minimum travel lane
 - 3-foot minimum center median (will vary in certain locations)
 - 11.5-foot minimum travel lane
 - 11.5-foot minimum travel lane
 - 7-foot bicycle buffer
 - 6.5-foot bicycle lane
 - b. The applicant is responsible for showing how the separated bike lanes will transition to the other side of West Lake Terrace.
3. Per the Master Plan of Highways and Transitways, I-270 Spur is classified as a Freeway with 6 travel lanes and a minimum right-of-way (ROW) of 300-feet. We defer to MDSHA for all access and improvements to the I-270 Spur, with the exception of traffic signals.
 4. **Sight Distance:** A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. The applicant is responsible to ensure sight distance which should be clear of any existing or proposed obstructions within the line of sight (tree trimming and/or removal, relocation of existing utility pole, removal of street parking etc.) to achieve a minimum sight distance in each direction.
 5. **Storm Drain Study:** We defer to MDSHA for runoff from the site draining to a storm drain maintained by MDSHA in the state-maintained right-of-way of I-270 Spur.
 6. The revised Traffic Impact Statement (TIS) dated November 15, 2024 was reviewed. Improvements based on the LATR requirement are noted on the TIS letter dated December 11, 2024.
 7. **Transportation Demand Management (TDM) Plan Requirements**

TDM provisions of County Code 42A-26 apply to this development application. The owner or applicant for a development located in a District in an Orange Policy Area must submit a Level 3 Project-based TDM Results Plan for a project with more than 160,000 gross square feet. The Democracy Center project, located in the North Bethesda TMD and Orange Policy Area, proposes to develop more than 160,000 gsf, i.e., (668,484 gsf). Hence, Level 3 TDM Results Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS.

A Level 3 TDM Results Plan requires a commitment by the owner or applicant to achieve a base NADMS that is 10% higher than the North Bethesda TMD's goal, the 30/39 percent NADMS goal for the North Bethesda TMD (30% for residents/39% for employees), and related commuting goals at that project. Level 3 Results plans must include the following:

- Appointment of a Transportation Coordinator (a person to work with MCDOT and TMD representatives to achieve NADMS and other commuting goals).
- Notification of the Transportation Coordinator's contact information
- Access to the Project (owner must provide space on-site by prior arrangement with MCDOT or TMD representatives to allow the department to promote TDM).
- TDM Information (TDM-related information must be displayed in a location(s) visible to employees, residents and other project users).
- Selection of Strategies: The plan must include project-based strategies and demonstrate that the plan is achieving the goals established for the project.
- Additional or Substitution of Strategies: If strategies initially selected by the owner or applicant do not result in the project achieving goals by 6 years after final occupancy, revisions to the plan or strategies initially selected may be required.
- Additional Funding: If strategies selected by the owner or applicant do not result in achievement of the project goals by 6 years after final occupancy, the Department may require increased funding by the owner for existing or new TDM strategies. Additional increases in funding may be required if goals have still not been met within 8 years of final occupancy.
- Conduct independent monitoring to determine if the project is meeting its goals, until the goals are achieved.

Standard Comments

8. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
9. Prior to issuance of the Use and Occupancy permit, install a bench at the existing bus stop located at the southern frontage of Rockledge Drive. Please coordinate with Mr. Wayne Miller of our Division of Transit Services to coordinate improvements along Connecticut Ave. Mr. Miller may be contacted at 240 777-5836 or at Wayne.Miller2@montgomerycountymd.gov.
10. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.

11. If the development is reconstructing or modifying any pedestrian facilities or traffic control devices/equipment (identified as “improvements”) at an intersection or along their site frontage, the developer will be responsible to upgrade or bring into compliance those facilities to the current standards. At or before the right-of-way permit stage, please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 or at kamal.hamud@montgomerycountymd.gov for proper executing procedures. All costs associated with such improvements shall be the responsibility of the developer.
12. Upgrade pedestrian facilities at intersections along the site frontage and at adjacent intersections to comply with current ADA standards.
13. Ensure that the curve radii are 15 feet or as small as practicable to accommodate target design vehicles without intrusion into bicycle or pedestrian travel ways.
14. If the proposed development will alter any existing streetlights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Forest Conservation Easements are NOT ALLOWED to overlap any easement.
16. Stop sign locations, crosswalks and markings will be shown on the signing and marking plans and be reviewed and approved at the right-of-way permit stage.
17. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
18. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
20. Erosion and sediment control measures as required by Chapter 19 and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.
21. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:

- a. Street grading, paving, buffers, sidewalks, bike facilities and handicap ramps, storm drainage and appurtenances, and street trees along Rockledge Drive per Significant Plan Review Comments.
- b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- c. Permanent monuments and property line markers, as required by Section 50.4.3(G) of the Subdivision Regulations.
- d. Developer shall provide streetlights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me for this project at brenda.pardo@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office to Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Preliminary Plan\PP120250020 Democracy Center\120250020-Democracy Center-DOT Preliminary Plan Letter_12.13.24](#)

Attachments: Approved Sight Distance Study

cc: Correspondence folder FY 2025

cc-e: Mark Terry MCDOT DTEO
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Rebecca Torma MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Plan Number:

Project Name: Democracy Center

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Sarah McIntyre

Digitally signed by Sarah McIntyre
 DN: c=US, E=s McIntyre@vika.com, O=VIKA Maryland, LLC, CN=Sarah McIntyre
 Reason: I attest to the accuracy and integrity of this document
 Date: 2024.12.12 15:12:56-05'00'

Signature

50326

PLS/PE MD Reg. №

10/21/2024

Date

Montgomery County Review:

Approved

Disapproved:

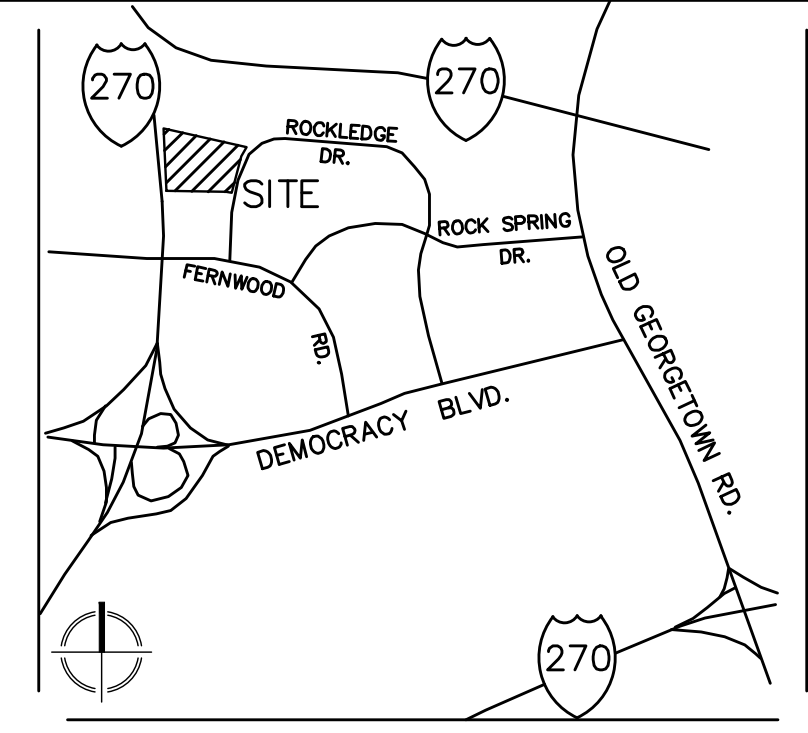
By: Brenda M. Pardo

Date: 12/13/24

PP 120250020 SP 820250020				
CLASS		Secondary		
SPEED (MPH)		30		
APPROACHING MOTOR VEHICLES				
VERTICAL		TARGET (FT)	MEASURED (FT)	OK?
	L	335	659	Yes
	R	290	419	Yes
HORIZONTAL APPROACHING MOTOR VEHICLES				
	Grade	TARGET (FT)	MEASURED (FT)	OK?
L		335	659	Yes
R		290	419	Yes
HORIZONTAL APPROACHING BIKEWAYS				
	Grade	TARGET (FT)	MEASURED (FT)	OK?
L		170	659	Yes
R		145	419	Yes
HORIZONTAL APPROACHING SIDEWALK (IF DIRECTED)				
	Grade	TARGET (FT)	MEASURED (FT)	OK?
L				N/A
R				N/A
COMMENTS				

FORM APPROVED <u>11.8.2023</u> Date Chief, Division of Transportation Engineering Montgomery County Dept. of Transportation	REVISED _____ _____ _____ _____ _____ _____	Montgomery County Department of Transportation Sight Distance Review Form
_____ Chief, Land Development Montgomery County Dept. of Permitting Services		

E-FILE STAMP



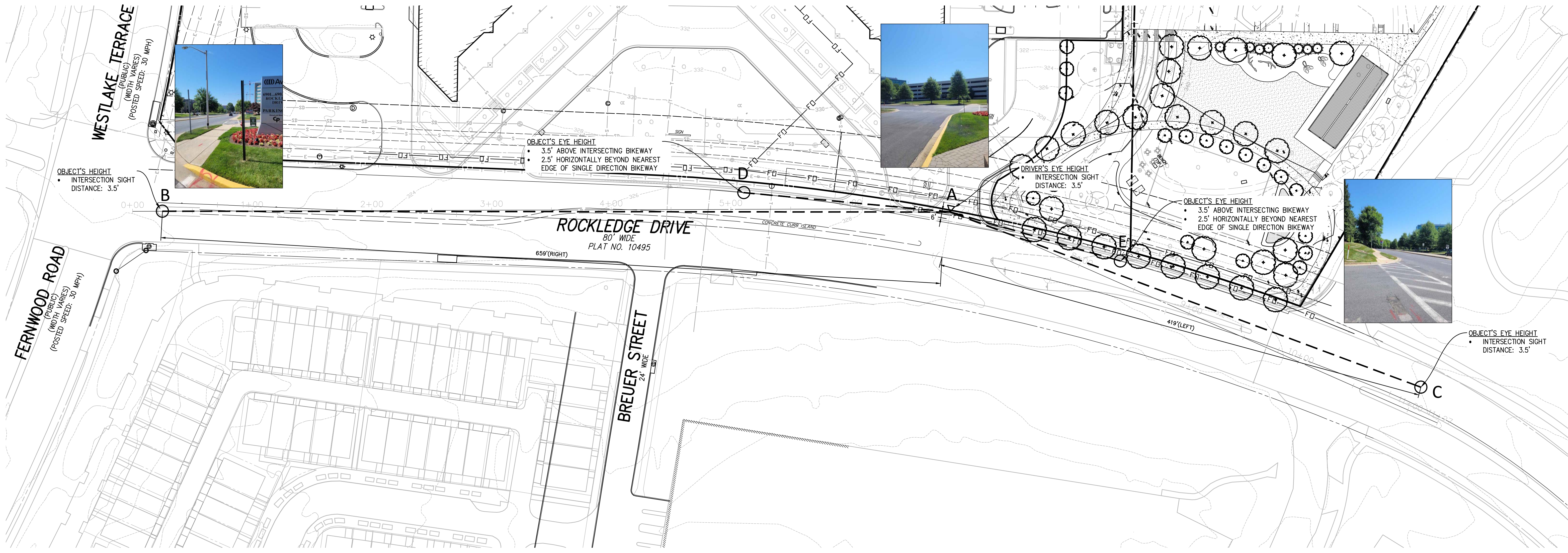
VKA
 VIKI MARYLAND, LLC
 20251 Century Blvd., Suite 400
 Germantown, MD 20874
 301.916.4100 | vika.com
 Our Site Set on the Future.
 PREPARED FOR:
DEMOCRACY CENTER
 MF
 1228 EUCLID AVENUE 4TH FLOOR
 CLEVELAND, OH 44115
 240.614.4322

ATTORNEY
BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC
 7315 WISCONSIN AVENUE
 SUITE 800 WEST
 BETHESDA, MARYLAND 20814
 301.656.2707
 500 LEE-CHD

ARCHITECT
DWELL DESIGN STUDIO, LLC
 8200 GREENSBORO DRIVE
 SUITE 600
 MCLEAN, VA 22102
 571.253.6950
 DONALD FOOR III, RA

CIVIL ENGINEER
VKA MARYLAND, LLC
 20251 CENTURY BOULEVARD
 SUITE 400
 GERMANTOWN MD, 20874
 301.916.4100
 MICHAEL GOODMAN, PE

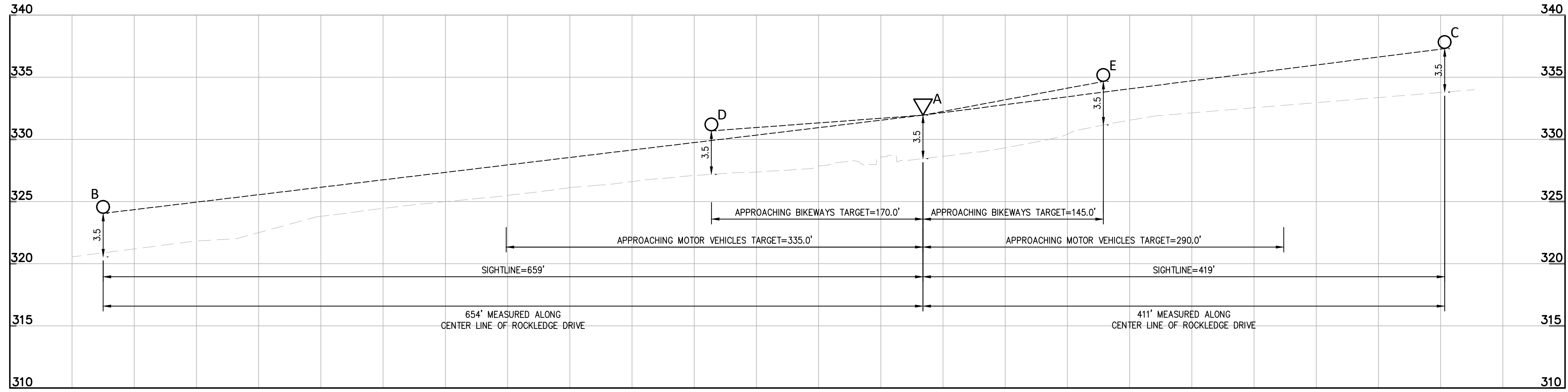
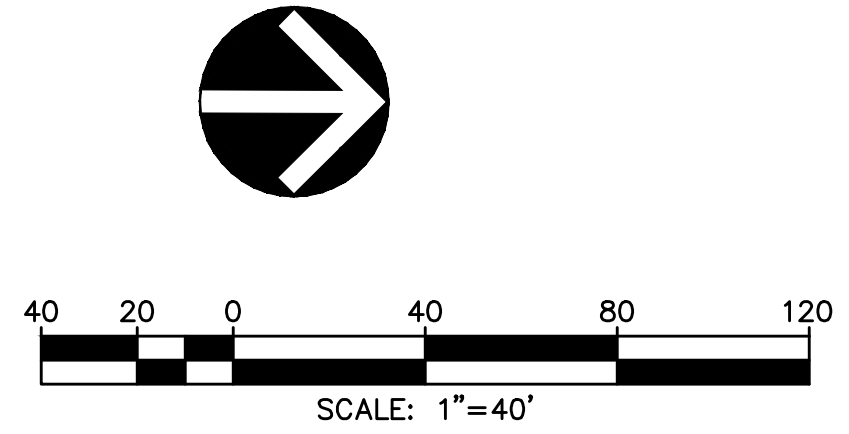
LANDSCAPE ARCHITECT
PARKER RODRIGUEZ
 101 N. UNION STREET
 SUITE 320
 ALEXANDRIA, VA 22314
 703.548.50210
 DAN AVRIT, PLA



SIGHT DISTANCE EVALUATION
 SCALE: 1" = 40'

LEGEND:

- OBJECT 3.5' ABOVE GRADE
- EYE HEIGHT 3.5' ABOVE GRADE
- SIGHT DISTANCE LINE



ROCKLEDGE DRIVE INTERSECTION SIGHT DISTANCE
 HORIZ. 1" = 50'
 VERT. 1" = 5'

NOT FOR CONSTRUCTION

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.msutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"
 The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Project Name: Democracy Center
 CLASS: Secondary
 SPEED (MPH): 30

ENGINEER/ SURVEYOR CERTIFICATE
 I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: _____
 50326
 PLS/PE MD Reg. Nr
 10/21/24
 Date

APPROACHING MOTOR VEHICLES		OK?	
Grade	TARGET (FT)	MEASURED (FT)	
L	335	659	Yes
R	290	419	Yes

APPROACHING BIKEWAYS		OK?	
Grade	TARGET (FT)	MEASURED (FT)	
L	170	659	Yes
R	145	419	Yes

Montgomery County Review:
 Approved
 Disapproved:
 By: _____
 Date: _____

FORM APPROVED: 11-9-2023
 Chief, Division of Transportation Engineering
 Montgomery County Dept. of Transportation

REVISOR: _____
 Chief, Land Development
 Montgomery County Dept. of Permitting Services

Montgomery County Department of Transportation
Sight Distance Review Form

REVISIONS	DATE

DEMOCRACY CENTER
 16TH ELECTION DISTRICT
 MONTGOMERY COUNTY,
 MARYLAND
 WSSC GRID: 213NW07
 TAX MAP: GP343

SIGHT DISTANCE PLAN
DEMOCRACY CENTER

#120250020
 PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 ENGINEER'S NAME: SARAH MCINTYRE, P.E.
 LICENSE NO.: 50326
 EXPIRATION DATE: MARCH 30, 2025

THE INFORMATION, DESIGN AND CONTENT OF THESE DRAWINGS OR DOCUMENTS ARE PROPRIETARY TO VIKI MARYLAND, LLC AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR COPIES, DIGITALLY CONVERTED, MODIFIED OR USED FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM VIKI MARYLAND, LLC, VIOLATION MAY RESULT IN PROSECUTION. ONLY APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS MAY BE UTILIZED FOR CONSTRUCTION PURPOSES.

© 2023 VIKI MARYLAND, LLC
 DRAWN BY: RS/CB
 DESIGNED BY: RS/CB
 DATE ISSUED: AUG. 2024

VKA PROJECT: VM50203D
 DRAWING NO.: SIGHT-001
 SHEET NO.:

***Revision: The conditions hereon supersede previous conditions of approval dated November 18, 2024.

820250020 Democracy Center

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“**07-SITE-820250020-SP-03.pdf V5**” uploaded on/ dated “**12/5/2024**” and
“**07-SITE-820250020-SP-05.pdf V5**” uploaded on/ dated “**12/5/2024**” and

The followings need to be addressed prior to the certification of site plan:

1. Address MCDOT comments for preliminary plan on the site plan as well including but not limited to road diet and associated improvements.
2. Provide public sidewalk:
 - a. to ADA standards (minimum five feet wide) and label/ notate accordingly.
 - b. ensure 1' of maintenance strip has been provided.
 - c. ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made.
 - d. Provide PIE/PAE as needed for public facilities outside ROW including sidewalk.
 - e. Ensure positive drainage toward ROW.
 - f. Provide at-grade sidewalk crossing.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

December 17, 2024

Ms. Sarah McIntyre, PE
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Democracy Center
Preliminary Plan #: 120250020
Site Plan #: 820250020
SM File #: 293925
Tract Size/Zone: 5.89 Acres/CR-1.5,C1.25,R-
0.75,H-200
Total Concept Area: 272,117 sq.ft./6.25 Ac.
Parcel(s): N394
Watershed: Cabin John Creek/Use Class I
Redevelopment (Yes/No): No

Dear Ms. McIntyre:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenion. Underground storage with a Storm Filter will be used to provide treatment for areas not able to be treated in a Chapter 5 practice. Underground detention is proposed to comply with adequate outfall requirements from MDOT/SHA.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Existing DEP Asset #12965 falls within the limit of disturbance. At the final design stage, this asset must be shown and its removal must be detailed on the plans. The existing stormwater management easement recorded in Liber 6191 at Folio 280 must be terminated and extinguished when the new easements are dedicated.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Ms. Sarah McIntyre, PE
December 17, 2024
Page 2 of 2

5. All underground facilities are required to comply with Water Resources Technical Policy No. 4 regarding access requirements.

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. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 Sherry Mitchell at 240-777-5206 or sherryl.mitchell@montgomerycountymd.gov.

Sincerely,



Mark Etheridge, Manager
Water Resources Section
Division of Land Development Services

cc: Neil Braunstein
SM File # 293925

ESD: Required/Provided 25,581 cf / 15,333 cf
PE: Target/Achieved: 2.00"/1.20"
STRUCTURAL: 9,071 cf
WAIVED: 0 cf.



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 10-Dec-24
TO: Chanda S. Beaufort - beaufort@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Democracy Center
820250020

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Dec-24** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Attachment F

AFFIDAVIT

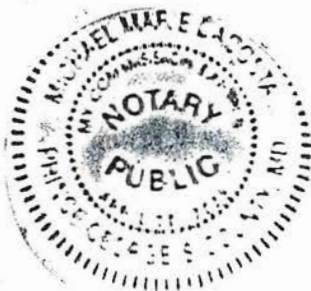
In conjunction with the filing of Preliminary Plan and Site Plan applications for property located at 6901 Rockledge Drive, Bethesda, MD 20817, I hereby attest to the following:

1. A pre-submission meeting with neighbors was conducted on the evening of Thursday, June 20, 2024 at 6:30 PM via Zoom.
2. A copy of the letter of invitation to attend the pre-submission meeting is attached (Exhibit A).
3. A list of all those who received copies of the letter invitation is attached (Exhibit B). This list included all adjoining and confronting property owners; all civic, community, condominium and homeowners associations within a half-mile radius of the site; and MNCPPC's Development Review Division, Intake Section.
4. A typed list showing the meeting attendees (Exhibit C) is attached, indicating which individuals want to be included as parties of record.
5. Minutes of the discussion at the pre-submission meeting are attached (Exhibit D).
6. A sign was posted on the property subject to the development at least 15 days prior to the pre-submission meeting (Exhibit E).



Soo Lee-Cho

Subscribed and sworn to before me, a Notary Public for Prince George's County, Maryland, this 8th day of August, 2024.





Notary Public

My Commission expires: 4-30-25

DEMOCRACY CENTER – PRELIMINARY PLAN AND SITE PLAN APPLICATIONS

PRE-SUBMITTAL MEETING NOTICE

June 4, 2024

Dear Neighbor,

Our client, The NRP Group, will soon be filing concurrent Preliminary Plan and Site Plan applications with the Maryland-National Park and Planning Commission (M-NCPPC) to develop a portion of a 15.35-acre property located in the CR-1.5, C-1.25, R-0.75, H 200 Zone at 6901 Rockledge Drive, with up to **393** multi-family residential units.

In compliance with the County’s Zoning Ordinance, a Pre-Submittal Community Meeting will be held to provide you with an opportunity to become fully aware of our development intentions and to give you an opportunity to comment on the proposal. The Pre-Submittal Community Meeting will be held on **Thursday, June 20th 2024, at 6:30 p.m.** via Zoom.

We welcome you to attend or to send a designated representative from your organization (as applicable) to this virtual meeting.

Please RSVP by calling or sending an email to Morgan Abramson at (301) 961-8661 or at Mabramson@bregmanlaw.com and you will be sent a meeting invite with a direct link allowing you to “**Join the Meeting**” via your computer, Meeting ID/Passcode or call-in option if preferred.

If you have any questions about the meeting, please feel free to reach out to Morgan Abramson with Bregman, Berbert, Schwartz and Gilday at the phone number/e-mail address provided above.

Sincerely,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:


Soo Lee-Cho

Exhibit C

**Pre-Submittal Community Meeting
for Preliminary Plan and Site Plan Applications**

**The NRP Group
Democracy Center - 6901 Rockledge Drive**

**Attendees List
June 20, 2024**

The following representatives of The NRP Group attended the meeting:

Soo Lee-Cho	Bregman, Berbert, Schwartz, & Gilday, LLC
Karl Alt	The NRP Group
Chanda Beaufort	Vika - Civil Engineering & Site Design

The following community members attended the meeting:

Kim Hongkyu	4hongkyu.kim@gmail.com	10447 Fernwood Rd
-------------	------------------------	-------------------

Exhibit D

Pre-Submittal Community Meeting Minutes

The NRP Group Democracy Center - 6901 Rockledge Drive Preliminary Plan and Site Plan June 20, 2024

A pre-submission community meeting for the above-described project was held virtually utilizing the Zoom platform on Thursday June 20, 2024. The meeting commenced at 6:30 PM.

The following representatives of The NRP Group attended the meeting:

Soo Lee-Cho	Bregman, Berbert, Schwartz, & Gilday, LLC
Karl Alt	The NRP Group
Chanda Beaufort	Vika - Civil Engineering & Site Design

The following member(s) of the community also attended the meeting:

Kim Hongkyu

Soo Lee-Cho opened the meeting by introducing herself and Karl Alt. She provided an update on the entitlement process, noting that the project has received Sketch Plan approval from the Planning Board and the next steps involve filing a preliminary plan of subdivision and a site plan application. Ms. Lee-Cho explained that the materials provided in the following presentation are not the final submission package, though they are close to the finalized elevations and plans that will be filed with the Planning Department. Ms. Lee-Cho also shared an anticipated timeline for the upcoming steps in the application and review process. She then turned the meeting over to Karl Alt.

Karl Alt began his presentation by introducing the NRP Group and outlining the proposed multi-family apartment building, along with public open spaces and the parking structure. He detailed the anticipated building size, number of units, their configurations, and amenities. Mr. Alt emphasized their collaboration with the Parks Department to create public spaces that best serve the community, which will feature active recreation facilities, walking paths, playgrounds, and the preservation of many old growth trees. He included information about transit access to the property. He provided a brief history of the Rock Spring Business Park, highlighting its appeal for this type of development. He gave examples of similar projects completed by the NRP Group. Finally, Mr. Alt presented an estimated timeline for the project, covering planning approval and construction, and concluded with visual examples of the planned architecture, materials, and site design.

Attendees were invited to ask questions or provide comments at the conclusion of the above-described presentation. Representative questions/comments include the following:

- *Question: Are you building on top of the underground garage or next to it?*

The project will be built in the open space to the north of the garage.

- *Question: Will there be parking available for the public open spaces?*

There will be no off-street public parking spaces designated for the open space. The surface parking that already exists will continue to serve the office park, with a handful of spaces reserved to serve the leasing office and visitor parking for the residential building. Residential parking will be in the garage that will be wrapped by the residential building.

- *Question: Where will you put 450 garage spaces in that area?*

The residential garage will be wrapped by the residential building. We will also have 95 to 100 interior bike parking spaces.

- *Question: Will the public open spaces be visible from Rockledge Drive?*

Yes, and that was intentional. There was some concern about how the public is going to know about the public open spaces. We feel that having this out front and center will be very good for the community and that we will have a very attractive building on the backside of it, fronting the park.

- *Question: Is the sketch diagram available for the people who attend these meetings?*

This is our conceptual site plan. At the end of July an updated plan, that will include minor changes, will be filed. After it gets accepted all materials will be made accessible to the public on the Planning Department website.

- *Comment: I'm looking forward to visiting Nice Park there.*
- *Comment: We have big construction going on in the old Marriott Hotel area and I'm not looking forward to see another big construction next to it. I hope it will turn out to be a wonderful neighbor after they've completed all the construction.*

The meeting concluded at 7:02 PM.

PRE-SUBMITTAL MEETING FOR:
Preliminary, Site and Forest Conservation Plan
Applications for up to 393 Multi-family units on
15.35 Acres in the CR Zone (CR1.5, C 1.25, R 0.75, H 200)
To be held via Zoom on
Thursday, June 20th, 2024 at 6:30PM
Please RSVP to mabramson@bregmanlaw.com
or Call Morgan Abramson at (301) 961-8661 to
obtain Meeting ID/Passcode

For process and hearing information please contact:
The Maryland-National Capital Park & Planning Commission
2425 Reedy Drive, Wheaton, MD 20902
www.montgomeryplanning.org/development
(301) 495-4550

2024/06/04

SKETCH PLAN 320240050
DEVELOPMENT APPLICATIONS FOR:
• **DEMOCRACY CENTER**
FOR UP TO 393 DWELLING UNITS OR
UP TO 472,710 SF OF RESIDENTIAL GFA (INCLUDING
MPDU BONUS) DENSITY ON THE 5.97 AC PORTION
OF THE 15.35 SITE
AND
670,310 SF EXISTING COMMERCIAL (OFFICE) GFA
ZONED CR1.5, C 1.25, R 0.75, H 200

For process and hearing information please contact:
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2024/06/04

SKETCH PLAN 320240050
DEVELOPMENT APPLICATIONS FOR:

DEMOCRACY CENTER

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www.montgomeryplanning.org/development
(301) 495-4550

2024/06/04



**DEVELOPMENT APPLICATION FOR:
DEMOCRACY CENTER (ROCK SPRING PARK)**

Site Plan Number 81981030B

SITE PLAN AMENDMENT FOR THE FOLLOWING ITEMS:

1. ADDITION OF 1,040 SQUARE FEET TO ENCLOSE THE LOBBY IN BUILDING 2
2. PUBLIC USE SPACE/LANDSCAPE IMPROVEMENTS AROUND EXISTING BUILDINGS.
3. ADDITION OF UP TO 12 SURFACE PARKING SPACES TO ACCOMMODATE RETAIL SPACE.

15.63 ACRES
CR-1.5 C-1.25 R-0.75 H-200

For process and hearing information please contact:

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2024/06/04

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2024/06/04



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 (301) 495-4550

2024/06/04

AFFIDAVIT IN COMPLIANCE WITH MONTGOMERY COUNTY ZONING ORDINANCE

On this 6th day of June, 2024, before me the subscriber,
a Notary Public of the State and County aforesaid,
personally appeared Brandon Younie who made oath
in due form of law as follows:

That on June 4, 2024, at least 15 days before the June 20, 2024 Community Meeting signs announcing the date, time, and location of the community meeting were erected for the above captioned Plan on the Subject property, in accordance with the required distances and positioning as set forth in the above mentioned Ordinance.

Brandon Younie
Signature

Subscribed and sworn to, before me,
on the day and year above written.

Amy Baronoff Kalomiris
Notary Public

SEAL

Montgomery County, Maryland
Notary Public
Amy Baronoff Kalomiris
My Commission Expires 9/8/2026

My Commission Expires: 9/8/2026