

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

February 14, 2025

MCPB No. 25-011
Preliminary Plan No. 120250020
Democracy Center
Date of Hearing: January 16, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on September 20, 2024 Democracy Center MF, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two (2) lots with 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 on 15.35 acres of land in the CR-1.5, C-1.25, R-0.75, H-200 zone, located at the northwest quadrant of the intersection of Fernwood Road and Rockledge Drive in Rock Spring (“Subject Property”), in the North Bethesda Policy Area and 2017 *Rock Spring Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No.120250020, Democracy Center (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Site Plan No. 820250020 and Forest Conservation Plan No. F20250070; 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 January 3, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 16, 2025, 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, and Commissioners Bartley, Hedrick, and Linden voting in favor.

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Approved as to
Legal Sufficiency: /s/ Matthew Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250020 to create two lots with 671,350 square feet of existing commercial development (to remain) and up to 472,710 square feet of new residential development on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to two (2) lots for up to 1,144,060 square feet of total development, comprised of up to 671,350 square feet of commercial development (existing) 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 conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS 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

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval. See also Montgomery County Code §50.2.2.A (“applicant”).

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 provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate 50.5 feet from the existing pavement centerline along the Subject Property frontage for West Lake Terrace Road.
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 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.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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 multifamily residential building. The 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 will 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 - 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 the table below, in relation to maximum density, height, and minimum open space. The 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.

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	732,003 sf (16.80 ac.)
Prior Dedication	n/a	63,519 sf (1.46 ac.)
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)

Development Standard	Permitted/ Required	Approved
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%) ²

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.

² 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 provides 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 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 is retaining a 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. *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. *Private transportation infrastructure*

There is no private transportation infrastructure provided with the Project outside of the extension of the existing private driveway.

b) *Local Area Transportation Review (LATR)*

As a 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 submitted a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

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

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. The mode split of the total person trips for the Project are summarized by travel mode as shown in the table below. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate all four travel modal adequacy tests.

	Total Person-Trips	Auto-Driver	Transit	Pedestrian ³	Bicycle
Morning Peak Hour	244	131	20	49	30
Evening Peak Hour	233	125	19	47	29

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 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 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 the table below. 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.

³ Pedestrian trips are calculated by adding non-motorized and transit trips.

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 projects 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 the table below.

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

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.

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 Updated FY25 Annual School Test, approved by the Planning Board on December 19, 2024 and effective January 1, 2025 is applicable to this Application.

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:

	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 ⁴	2,299	2,175	94.6%	+124

	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

⁴ 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 the table above. 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 development, 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 project is estimated to generate the following number of students based on the Subject Property’s location within a Turnover Impact Area:

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 the table above, 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 the previous table. 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 above.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

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 F20250070, which are included in a separately approved resolution and are incorporated herein.

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 4.3.M*

Not applicable to this Property.

7. *Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

No other provisions apply to the Subdivision.

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

February 14, 2025

(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.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 3-0; Chair Harris, Vice Chair Pedoeem and Commissioner Linden voting in favor of the motion, Commissioner Bartley and Hedrick necessarily absent at its regular meeting held on Thursday, February 6, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board