

21199 774



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

SITE PLAN  
2A & 5A

EXHIBIT A

DECEMBER 4, 2001  
DESCRIPTION OF A  
PORTION OF  
PARCEL 14  
ROCK SPRING PARK  
PLAT BOOK NO. 21681  
ROCKVILLE (NO.4) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

Being part of Parcel 14, Rock Spring Park, recorded as Plat No. 21681 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the northerly end of on the South 00° 02' 03" West, 311.44 foot line of said Parcel 14, Rock Spring Park, said point also lying on the westerly right-of-way line of Rockledge Drive, 80 feet wide, as recorded in Plat Book 95 as Plat No. 10494 among the aforesaid Land Records, thence running with said westerly right-of-way line of Rockledge Drive

- 1.) South 00° 02' 03" West, 304.91 feet to a point; thence leaving said westerly right-of-way line of Rockledge Drive and running so as to cross and include a portion of said Parcel 14, the following twelve (12) courses and distances
- 2.) North 85° 11' 29" West, 73.40 feet to the point; thence
- 3.) 6.80 feet along the arc of a tangent curve to the right having a radius of 4.33 and a chord bearing and distance of North 40° 11' 29" West, 6.12 feet to a point; thence
- 4.) North 04° 48' 31" East, 13.67 feet to a point; thence
- 5.) North 85° 11' 29" West, 26.84 feet to a point; thence
- 6.) South 04° 48' 31" West, 13.60 feet to a point; thence

Exhibit "A"

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- 1.) South 00° 02' 03" West, 304.91 feet to a point; thence leaving said westerly right-of-way line of Rockledge Drive and running so as to cross and include a portion of said Parcel 14, the following twelve (12) courses and distances
- 2.) North 85° 11' 29" West, 73.40 feet to the point; thence
- 3.) 6.80 feet along the arc of a tangent curve to the right having a radius of 4.33 and a chord bearing and distance of North 40° 11' 29" West, 6.12 feet to a point; thence
- 4.) North 04° 48' 31" East, 13.67 feet to a point; thence
- 5.) North 85° 11' 29" West, 26.84 feet to a point; thence
- 6.) South 04° 48' 31" West, 13.60 feet to a point; thence

Exhibit "A"

- 7.) 6.88 feet along the arc of a tangent curve to the right having a radius of 4.33 and a chord bearing and distance of South 49° 19' 15" West, 6.18 feet to a point; thence
- 8.) North 85° 11' 29" West, 28.52 feet to a point; thence
- 9.) 1.67 feet along the arc of a tangent curve to the right having a radius of 1.33 and a chord bearing and distance of North 49° 19' 08" West, 1.56 feet to a point; thence
- 10.) 25.16 feet along the arc of a tangent curve to the left having a radius of 92.32 and a chord bearing and distance of North 21° 15' 10" West, 25.08 feet to a point; thence
- 11.) 24.89 feet along the arc of a tangent curve to the left having a radius of 25.00 and a chord bearing and distance of North 57° 34' 45" West, 23.87 feet to a point; thence
- 12.) North 86° 05' 57" West, 427.16 feet to a point; thence
- 13.) South 64° 17' 58" West, 216.92 feet to a point lying on the easterly right-of-way line of Fernwood Road, 80 feet wide, as recorded in Plat Book 88 at Plat No. 9340 among the aforesaid Land Records; thence running with said easterly right-of-way line of Fernwood Road.
- 14.) 140.04 feet along the arc of a non-tangent curve to the left having a radius of 1,590.00 feet and a chord bearing and distance of North 27° 55' 23" West, 140.00 feet to a point; thence leaving said easterly right-of-way line of Fernwood Road and running with the outline of said Parcel 14, the following three (3) courses and distances
- 15.) North 59° 33' 18" East, 23.39 feet to a point; thence

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- 16.) North 03° 54' 03" East, 242.00 feet to a point; thence
- 17.) South 86° 05' 57" East, 820.00 feet to the point of beginning containing 239,954 square feet or 5.50859 acres of land

Being all of Parcel 2A and 5A as shown on Site Plan #8-90027A.



12/04/01



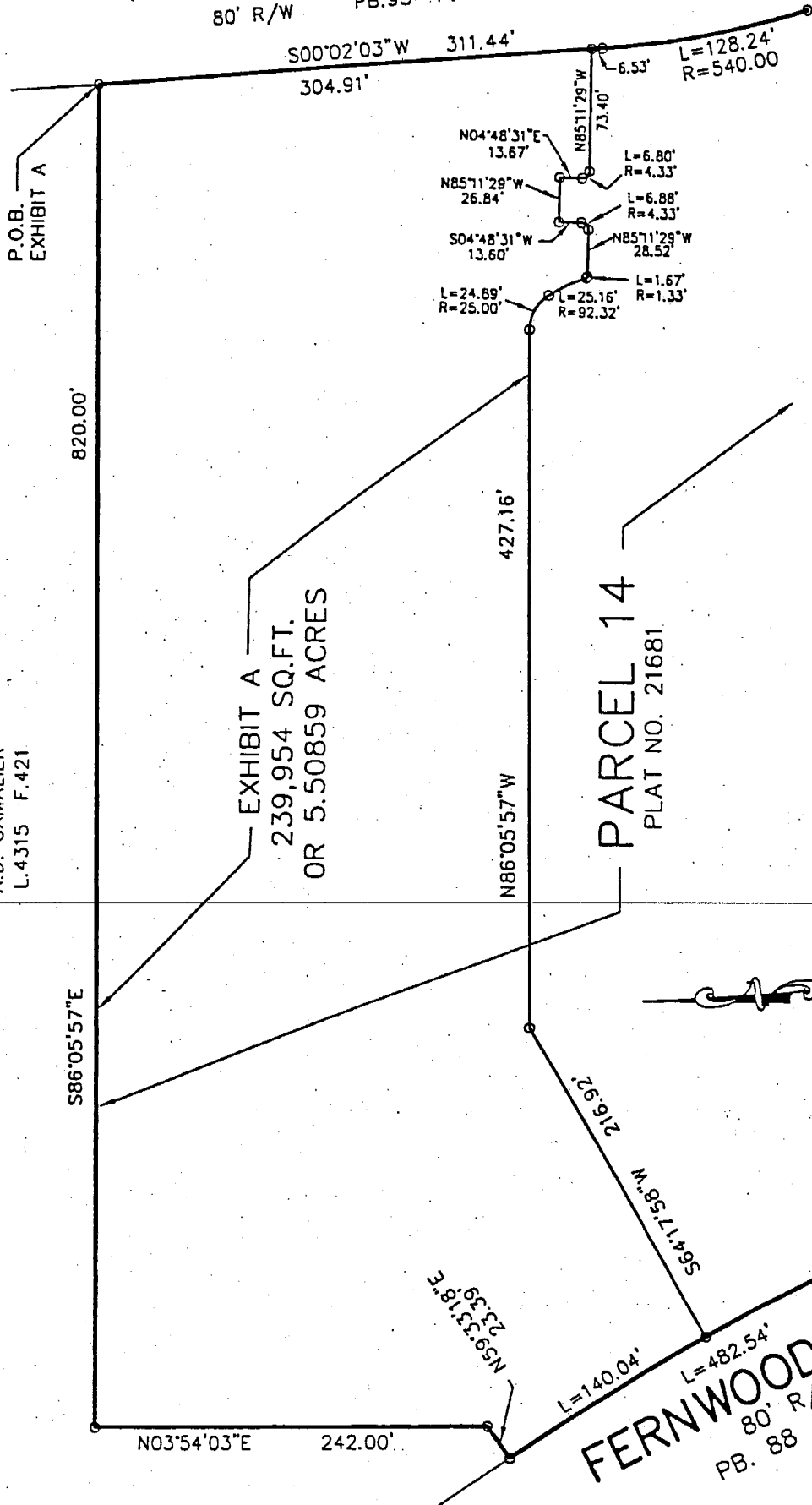
# ROCKLEDGE DRIVE

80' R/W PB.95 P.10494

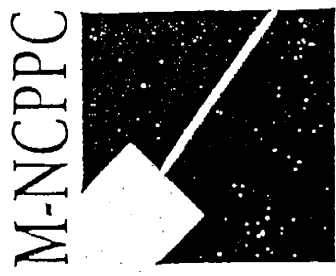
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PLAT NO. 21681  
ROCKVILLE (4TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=100' DEC. 4, 2001

N/F  
A.D. CAMALIER  
L.4315 F.421



FERNWOOD ROAD  
80' R/W  
PB. 88 P.9340  
R=1590.00



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 7, 1999

SITE PLAN REVIEW: #8-90027A

PROJECT: Rock Spring Park, Parcels 2A and 5A

*Action: Approval subject to conditions. Motion was made by Commissioner Perdue, seconded by Commissioner Wellington, with a vote of 3-0, Commissioners Hussmann, Perdue and Wellington voting for. Commissioners Bryant and Holmes were absent.*

The date of this written opinion is September 7, 1999 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 7, 1999 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98091 is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On August 5, 1999, Site Plan #8-90027A 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 and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;

- 3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
- 4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
- 5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-90027A which consists of 215,725 gross square feet of commercial office subject to the following conditions:

- 1. Limit the preliminary plan and site plan based on the adequate public facilities finding (APF) of the Transportation Planning Division memorandum dated July 29, 1999, (see attached), as follows:
  - a. On Parcel 2a, a second building of 117,225 gross square feet of general office use.
  - b. On Parcel 5a, a second building of 98,500 gross square feet of medical office use.
- 2. The applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works (MCDPWT) to join and participate in the North Bethesda Transportation Management Organization (TMO) to both:
  - a. Assist in achieving and maintaining the 39% non-driver traffic mitigation goal of the North Bethesda Transportation Management District (TMD). Traffic mitigation is recommended in the *Bethesda/Garrett Park Master Plan* for all new developments. Traffic Mitigation Agreement including a Trip Reduction Plan is to be negotiated with the applicants for subdivision to assist the North Bethesda TMO in meeting the mode share goal established in the master plan.

- b. Achieve and maintain the 10% trip-reduction goal which is required for development in the I-3 zone which can be done by joining and participating in the North Bethesda TMD.

Both goals may be concurrently achieved and maintained.

- 1. The following Standard Conditions of Approval were approved by the Planning Board on October 10, 1995, and apply to the subject site:
  - A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
    - 1) Development Program to include a phasing schedule as follows:

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- a. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- b. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
- c. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
- d. Coordination of each section of the development and roads;
- e. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

- 2) Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval or staff correspondence dated July 29, 1999 (Axler to Shaneman and Komes).

- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- 1) Limits of disturbance;
- 2) Methods and location of tree protection;
- 3) Conditions of DPS Stormwater Management Concept waiver letter dated 6/19/98;
- 4) Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- 5) The development program inspection schedule.
- 6) Conservation easement boundary
- 7) Street trees 45 feet on center along all public streets;

- C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

- D. No clearing or grading prior to M-NCPPC approval of signature set of plans.

4. Prior to signature set approval the following information shall be provided or the revisions made:

- a. Wherever possible, street trees no further than 45 feet on-center shall be provided along the entire frontage of Fernwood Road and Rockledge Drive.
- b. A lighting distribution plan shall be submitted which demonstrates (1) that all parking lot standards are located within landscape islands, and (2) a variety of appropriate attractive light fixtures will be utilized to reinforce a high-quality business park image.

- c. The landscape plan shall be revised to add trees to define the axial nature of the central green space and an evergreen shrub hedge to screen views of parked cars. Design details including special paving and banding, planting, seating, lighting and the provision of focal point place-making features such as fountains and/or public art shall be added to the plans.
- d. Continuous lead-in walks, a minimum of five-feet-wide shall be provided along both sides of the entry drive off of Fernwood Road.
- e. A strong streetscape/entry planting shall be provided along the internal access drive.
- f. Details illustrating how the loading areas associated with the proposed building will be screened from view will be added to the plans.
- g. Tree protection fencing and details shall be added to the plans to ensure that the existing mature trees to be preserved will be protected throughout construction.
- h. An arborists report shall be submitted outlining the special protection/preservation methods necessary to ensure survival of the specimen trees to be preserved. This shall include a construction/tree preservation sequencing plan, details for root pruning, fertilization, the use of mycorrhizae, etc.
- i. Additional green area shall be provided at the base of each building. In no case shall there be no green area provided or an area so small as to not permit the planting of small trees and shrub masses to soften building mass, except at the building or parking entrance.
- j. Additional area shall be provided between the proposed four-story building on Parcel 5 and the proposed parking structure to permit the planting of street trees.
- k. A note shall be added to the plans which state that all roof mounted mechanical equipment shall be screened from view.



## EXHIBIT "C"

TRAFFIC MITIGATION PROGRAM ATTACHMENT

1. The Applicants shall participate in the North Bethesda Transportation Management District (TMD) for the Project.
2. The Applicants shall reserve a sufficient number of conveniently located, priority parking spaces in the Project's parking facility to accommodate all employee carpools and vanpools on an ongoing basis. As of the Project's occupancy date, the Applicants shall initially reserve conveniently located parking spaces in the Project's parking facility to accommodate a minimum of one vanpool or carpool vehicle. Subsequently, the Applicants shall reserve spaces to satisfy any increase in the demand for such spaces. Such space(s) may be made available for general purpose parking after 10:00 a.m. Monday through Friday, if the Applicants so choose. If feasible, the Applicants shall also make phone lines available directly to a cab service and will designate a cab stand near the building entrances if demand exists for such a service.
3. The Applicants shall provide bicycle lockers or a secured (caged) area for bicycles at the location(s) shown on the Site Plan of the Project for use by employees sufficient to meet demand.
4. The design of the Project encourages pedestrian accessibility and movement. Sidewalk connections are provided throughout the site to adjacent public sidewalks. Bus stop(s)/bus shelters are provided on the site as shown on the approved Site Plan.
5. The Applicants shall designate an employee(s) to act as a transportation coordinator for the Project to encourage and create ride-sharing, car pools, and to find potential riders and participants. The transportation coordinator may be a property manager or other employee(s) of the Owners with other employment duties. The transportation coordinator shall cooperate with the North Bethesda Transportation Center (NBTC) and the TMD. The transportation coordinator will also advise the TMD of new tenants in the project and will coordinate a presentation by the TMD to new tenants regarding transit alternatives. In addition the transportation coordinator will provide tenants with a package regarding transit alternatives and programs which is customized to the Rock Spring Park area. The transportation coordinator shall be responsible for implementing, operating, promoting and maintaining the Program.

6. Applicants agree to promptly notify the TMD of any change to the transportation coordinator position or contact information.

7. The transportation coordinator will facilitate participation by the Project's tenants and on-site employees in the TMD's annual transportation survey for the Project. The transportation coordinator will use good faith efforts to help assure that at least 80 percent of the tenants' employees and other employees working on site complete and return the TMD's annual commuter survey forms.

8. The transportation coordinator or other Project representative will designate a permanent commuter information display area in a central location in each of the two proposed buildings of the Project on car pools, van pools, ride-on schedules and routes, and other transit information. In addition, the transportation coordinator will provide tenants with a package, supplied by the TMD, regarding transit alternatives and programs which are customized to the Rock Spring Park area.

9. Applicants will permit and facilitate use of space in the Project by the TMD on a periodic basis (and by prior arrangement) for purposes of marketing and promotional activities related to commuting options.

10. The Applicants shall fund the construction or alteration of existing bus shelters to create two bus "Super Shelters" for the Project at the locations shown on the Site Plan. Super Shelters are lighted bus shelters that contain electronically transmitted information for bus patrons on bus schedules, arrival and departure times. The Applicants shall fund the construction (or alteration), and construct (or alter) the two shelters up to the aggregate amount of \$80,000.00.

~~The first shelter shall be completed with construction of the first building constructed in the Project and the second shelter shall be completed with construction of the second building constructed in the Project. Once constructed the shelters shall be maintained by the County.~~

After construction of the first shelter, twice the cost of said construction shall be subtracted from the \$80,000.00 earmarked for this work, and any amount in excess shall become a fund for transit subsidies. The amount of the subsidy shall not exceed the amount of funds available after subtracting the amount projected for construction of the two Super Shelters ("Subsidy Funds"). Half of the Subsidy Funds shall be placed in an interest bearing escrow account ("Transit Subsidy Escrow Account") at occupancy of the first building to be constructed in the Project.

The second half of the Subsidy Funds may be adjusted downward if additional funds are necessary for construction of the second Super Shelter. If the available funds are insufficient for construction of the

second shelter the remaining funds shall be deposited in the Transit Subsidy Escrow Account and used for this purpose as provided herein. If there are excess funds after construction of the second Super Shelter, then any remaining amount shall be deposited in the Transit Subsidy Escrow Account at occupancy of the second building to be constructed in the Project. The Applicants will work in cooperation with the TMD to determine the best utilization of the Subsidy Funds to meet the goals of the trip reduction program.

Transit subsidies shall be made available for employees of the Project as allowed under federal law utilizing programs such as Fareshare, Metrocheck, or other available programs. The Subsidy Funds shall be utilized by the transportation coordinator on an ongoing basis for subsidized transit fares until the funds in the Transit Subsidy Escrow Account are depleted.

ADEQUATE PUBLIC FACILITIES ORDINANCE AGREEMENT  
EXPEDITED DEVELOPMENT APPROVAL EXCISE TAX AGREEMENT

THIS AGREEMENT, made this 19<sup>th</sup> day of DECEMBER, 2000, by and between ELIZABETHEAN COURT ASSOCIATES I LIMITED PARTNERSHIP and ELIZABETHEAN COURT ASSOCIATES II LIMITED PARTNERSHIP ("Applicant"), and the MONTGOMERY COUNTY PLANNING BOARD of the MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (hereinafter the "Planning Board"):

WHEREAS, Applicant is the owner in fee simple of land located in the 7th Election District, Montgomery County, Maryland, ("Property"), more particularly described on Exhibit "A", subject to easements, rights-of-way, covenants and restrictions of record; and

WHEREAS, subdivision of the Property required a review by the Planning Board of the adequacy of the public facilities available to serve the property; and

WHEREAS, in order to pass the adequate public facilities review, the size, use and operation of improvements to the Property must be restricted; and

WHEREAS, Applicant and the Planning Board have agreed that the Property can be subdivided provided the necessary restrictions are contained in an agreement which shall bind Applicant, its heirs, successors and assigns and which shall be noted on the record plat for the Property; and

WHEREAS, the AGP provides for Alternative Review Procedures ("ARP") applicable to the consideration of the adequacy of transportation facilities by the Planning Board for certain non-residential projects, if such procedures are selected by an applicant seeking to subdivide qualified property;

WHEREAS, the ARP provides that applicants seeking to use these procedures must timely pay a certain Expedited Development Approval Excise Tax ("EDAET") to Montgomery County, Maryland ("County") in lieu of performing various other obligations to meet APF requirements under the AGP;

WHEREAS, by the execution of this instrument, Applicant intends to create restrictions on the Property necessary to meet the APF conditions of subdivision approval as allowed under EDAET. The purposes of these restrictions are to limit the construction of structures on the Property and to limit the use of the Property so that persons and properties will not be harmed by overburdened public facilities. Applicant intends that the restrictions created by this instrument shall be binding on itself, its successors, assigns, and lessees and on the land and improvements described herein in perpetuity or until released with the consent of the Planning Board.

Exhibit "F"

NOW THEREFORE, in consideration of the mutual promises and stipulations set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, and in accordance with the approval of the subdivision of the Property and of the premises and the covenants contained herein, the parties, their successors, and assigns, hereby covenant and agree as follows:

1. The recitals set forth above are hereby incorporated herein by reference and made a part hereof.

2. Development on the Property must be limited to "a maximum 117,225 square feet of general office use and 98,500 square feet of medical office use; total site development limited to a maximum of 463,651 square feet general office and medical office use" ("Project"), which is subject to the requirement to pay the EDAET in a timely manner. A copy of the Planning Board's Opinion approving Preliminary Plan No. 1-98091 is attached hereto as Exhibit "B" ("Opinion").

3. Applicant must not violate the restrictions agreed to in paragraph two without the successful completion of an adequate public facilities review by the Planning Board pursuant to Section 50-35(k) of the Montgomery County Code.

4. Applicant must notify the Planning Board of an application for a building permit or a use and occupancy permit for the Property. Applicant must not seek a building permit or a use and occupancy permit for a structure or use on the Property that violates the restrictions created herein. In the event permits are sought which violate the restrictions created herein, neither the Planning Board nor The Maryland-National Capital Park and Planning Commission need recommend issuance of any such permit, and Montgomery County, Maryland, may withhold issuance of any such permit.

5. Representatives or designees of the Planning Board may enter upon the Property from time-to-time for the purpose of inspection and enforcement of the terms, conditions, and restrictions created herein. Wherever possible, a representative of Applicant shall be present at an inspection. In the event that the representative or designee determines on the basis of the inspection that the restrictions created herein are being violated, the representative or designee must promptly advise Applicant concerning the problem.

6. The Planning Board, The Maryland-National Capital Park and Planning Commission, and Montgomery County, Maryland, have the right to bring an action for any legal or equitable relief necessary to enforce the restrictions created herein.

7. Upon request of Applicant, the Planning Board shall release the Property from these restrictions if it finds that public facilities are adequate pursuant to Section 50-35(k) of the Montgomery County Code for additional development of the Property. Such a review shall include the public facilities impact of any existing building or use to remain on the Property as well as that of the proposed additional development.

8. This Agreement shall bind and inure to Applicant, its successors and assigns. Wherever this Agreement refers to the Montgomery County Planning Board, it shall also refer to any successor agency, if any, who will administer the "Adequate Public Facilities" Ordinance (Section 50-35(k) of the Montgomery County Code).

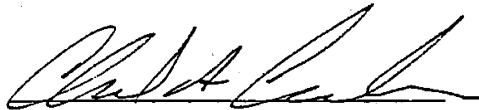
9. A notation of these restrictions must be made on any record plat for the Property.

10. This Agreement may only be modified in a writing signed by the parties hereto, their heirs, successors or assigns.

IN WITNESS WHEREOF, this instrument has been executed by the parties hereto on the day and year herein-before written.

ELIZABETHEAN COURT ASSOCIATES I LIMITED PARTNERSHIP  
a Maryland limited partnership company

By: Belmart Corporation, a Maryland Corporation  
its General Partner

By: 

ELIZABETHEAN COURT ASSOCIATES II LIMITED PARTNERSHIP  
a Maryland limited partnership company

By: Champlain Corporation, a Maryland Corporation  
its General Partner

By: 

MONTGOMERY COUNTY PLANNING BOARD

BY: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF MARYLAND

\*

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COUNTY OF

\*

I HEREBY CERTIFY that on this 19th day of December, 2000, before me, a Notary Public in and for the State and County aforesaid, personally appeared Charles Caraker III, known to me or satisfactorily proven to be the General Partner of Elizabethan Court Associates I Limited Partnership and Elizabethan Court Associates II Limited Partnership, Maryland limited partnerships, and that such person, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

TONIE R. DAVIS, III

NOTARY PUBLIC, DISTRICT OF COLUMBIA

My Commission Expires My Commission Expires October 31, 2002

[NOTARIAL SEAL]

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STATE OF MARYLAND

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COUNTY OF

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I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2000, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ - known to me or satisfactorily proven to be the Designee of the MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, a body politic, and that such person, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said Montgomery County Planning Board.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

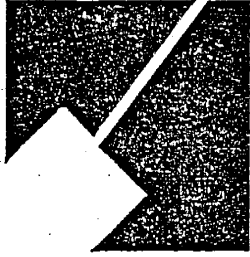
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[NOTARIAL SEAL]

Date Recd: September 7, 1999

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation  
Motion of Comm. Perdue, seconded by  
Comm. Wellington with a vote of 3-0;  
Comms. Perdue, Wellington and Hussmann,  
voting in favor. Comms. Holmes and  
Bryant absent

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

Preliminary Plan 1-98091

NAME OF PLAN: ROCK SPRING PARK

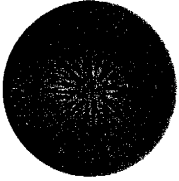
On 05-07-98, ELIZABETHAN COURT ASSOCIATES II LP submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to create 2 lots on 1.5 acres of land. The application was designated Preliminary Plan 1-98091. On 08-05-99, Preliminary Plan 1-98091 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 upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-98091 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-98091.

Approval, pursuant to the FY2000 Annual Growth Policy (AGP) Alternative Review Procedures for Expedited Development Approval ("Pay-and- Go"), subject to the following conditions:

- (1) Prior to site plan signature set approval, applicant to submit an Adequate Public Facilities (APF) agreement with the Planning Board limiting additional development to a maximum of 117,225 square feet general office and 98,500 square feet of medical office uses. Total site development is limited to a maximum of 463,651 square feet of general office and medical office use
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (3) Conditions of MCDPS stormwater management approval dated 06-19-98
- (4) Prior to recording of plat, applicant to submit final landscaping and lighting plan for technical staff review and approval



- (5) Terms and conditions of access and improvements, as required by MCDPW&T, to be approved prior to release of building permits
- (6) Necessary easements
- (7) In accordance with the provisions of the expedited development approval excise tax (EDAET) of the FY99 AGP, this preliminary plan will remain valid until October 7, 2001 (25 months from the date of mailing, which is September 7, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded. In order for the approval to remain valid, all building permits must be issued within two years of the recordation of the associated plat(s).



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Montgomery County Department of Park and Planning

September 27, 2005

**MEMORANDUM**

TO: Cathy Conlon Supervisor  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator  
Transportation Planning

SUBJECT: Preliminary Plan No. 1-98091-C  
Rock Spring Park, Parcel 14  
Elizabethan Court Associates, LP  
North Bethesda Policy Area

*EA*

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This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of this subject preliminary plan amendment where the previous APF approval had expired on October 7, 2003. The Planning Board previously approved Preliminary Plan No. 1-98091 and its associated Site Plan No. 8-90027 on August 5, 1999, for 463,651 square feet of office use under the *Annual Growth Policy* Alternative Review Procedures for Expedited Development Approval (or "Pay and Go"). Prior to that, the site was considered a registered "loophole" property" that had since expired and had an earlier subdivision approval as Preliminary Plan No. 1-75010.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to the approval of this preliminary plan amendment for Parcel 14 located in the I-3 zone:

1. Limit the preliminary plan amendment to an additional 117,175 square feet for a total of 463,651 square feet of general office use.

2. Limit the preliminary plan amendment to an APF validity period of 61 months from the date of the Planning Board's opinion.
3. Execute a revised Traffic Mitigation Agreement (TMA) with the Planning Board and the Montgomery County Department of Public Works and Transportation to satisfy the trip mitigation goals of the master-planned North Bethesda Transportation Management District and the *I-3 Trip Reduction Guidelines*. The TMA dated May 10, 2000, should be updated prior to release of any building permit.

## DISCUSSION

### Site Location and Vehicular Site Access Points

The subject site is located between Fernwood Road and Rockledge Drive, north of Democracy Boulevard. The existing four vehicular access points from the subject site are from Fernwood Road and Rockledge Drive where both streets have a full movement driveway and a right-turn-in/right-turn-out driveway.

### Pedestrian Facilities

Sidewalks are located on both sides of Fernwood Drive, Rockledge Drive, Democracy Boulevard, and a large segment of Rock Spring Drive in the immediate vicinity of the site. A segment of Rock Spring Drive between Old Georgetown Road and Rockledge Drive is the location where sidewalks exist only along the north side. Marked pedestrian crosswalks and pedestrian signal heads exist at all signalized intersections analyzed in the traffic study.

### Available Bus Service

The following bus routes are operating along the adjacent or nearby streets:

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1. Metrobus routes J-1 and J-3 along Rockledge Drive
2. Metrobus route J-2 along Fernwood Drive
3. Metrobus route J-2 and Ride-On route 47 along nearby Democracy Boulevard
4. Ride-On routes 6, 26, and 47 along Rock Spring Drive

### Master-Planned Roadways and Bikeways

According to the *North Bethesda/Garrett Park Master Plan* and the *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways include:

1. Fernwood Drive (A-82) is designated as, a four-lane arterial with an 80-foot right-of-way and a Class II bikeway.

2. Democracy Boulevard (M-5) is designated as a six-lane divided major highway with a 120-foot right-of-way and a shared-use path, SP-2.
3. Rock Spring Drive (A-81) is designated as a four-lane arterial with an 80-foot right-of-way and a shared-use path, SP48.

Rockledge Drive is not designated in *the North Bethesda/Garrett Park Master Plan*, but it is a four-lane, divided business district street with an 80-foot right-of-way and an on-road signed bikeway (SR-60).

### Traffic Mitigation Requirements

A TMA is needed to satisfy the following requirements:

1. The subject site is located within the boundary of the North Bethesda Transportation Management District (TMD), the *North Bethesda/Garrett Park Master Plan*; therefore, the applicant is required to participate in the North Bethesda TMD. The Applicant's participation includes developing a traffic mitigation plan (TMP) for the site, designating a transportation coordinator to implement the TMP in coordination with the North Bethesda TMD staff, and collecting data on results of implementing the TMP. The applicant's participation would assist the North Bethesda TMD to achieve and maintain its 39% non-auto driver mode share goal for the Stage II of the Master Plan development. The North Bethesda TMD staff would provide transportation information, technical advice, and other forms of assistance.
2. In addition, this development is located within the I-3 zone and therefore, it is required to achieve and maintain a 10% overall trip reduction goal.

Typically, the TMA must be executed prior to recordation of a plat. However, the original Parcels 2a and 5a were already combined to create Parcel 14 in December 2000 as Record Plat No. 614-30 associated with the previous preliminary plan approval. As an alternative, the TMA for this preliminary plan amendment must be executed prior to the release of any building permit.

### Local Area Transportation Review

The proposed 117,175 square feet of additional general office use would generate 191 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 189 peak-hour trips during the weekday evening peak period (4:00 to 7:00 p.m.). A traffic study was required to satisfy Local Area Transportation Review because the proposed additional office building would generate 30 or more peak-hour trips during the weekday morning and evening peak periods.

Based on the results of the traffic study, the table below shows the critical lane volumes (CLV) and the applicable congestion standard for the each analyzed intersections in the study area. The traffic conditions analyzed include the existing, background (existing traffic plus traffic from approved, but unbuilt developments), and total traffic conditions.

Intersection	Congestion/CLV Standard <sup>1</sup>	Weekday Peak Hour	Traffic Condition		
			Existing	Background	Total
Old Georgetown Road & Rock Spring Drive	Intersection CLV Standard=1,550	Morning	1,007	1,139	1,141
		Evening	1,099	1,399	1,412
Old Georgetown Road & Democracy Boulevard	Intersection CLV Standard=1,550	Morning	1,197	1,291	1,302
		Evening	1,223	1,410	1,412
Rock Spring Drive & Rockledge Drive	Intersection CLV Standard=1,550	Morning	817	1,082	1,092
		Evening	729	1,213	1,265
Rockledge Drive & Site Driveway/Walter Johnson High School Driveway	Intersection CLV Standard=1,550	Morning	523	572	664
		Evening	508	668	780
Democracy Boulevard & Site Driveway	Intersection CLV Standard=1,550	Morning	204	313	328
		Evening	245	405	418
Democracy Boulevard & Rockledge Drive	Intersection CLV Standard=1,550	Morning	746	935	945
		Evening	789	1,041	1,053
Democracy Boulevard & Fernwood Drive	Intersection CLV Standard=1,550	Morning	1,080	1,117	1,134
		Evening	1,278	1,407	1,408
Fernwood Drive & Site Driveway/Marriott Driveway	Intersection CLV Standard=1,550	Morning	676	677	682
		Evening	598	601	631
Fernwood Drive & Site Driveway	Intersection CLV Standard=1,550	Morning	398	400	407
		Evening	383	386	388
Fernwood Drive & Rock Spring Drive	Intersection CLV Standard=1,550	Morning	568	672	674
		Evening	693	921	930
Fernwood Drive & Rockledge Drive/Westlake Terrace	Intersection CLV Standard=1,550	Morning	640	746	748
		Evening	624	864	881
Democracy Boulevard & I-270 Spur Southbound Ramps	Intersection CLV Standard=1,475 <sup>2</sup>	Morning	1,085	1,184	1,206
		Evening	1,029	1,306	1,323

1 = The congestion/CLV standard is 1,550 for 11 of the 12 intersections that are located on the border or within the North Bethesda Policy Area.

2 = The congestion/CLV standard is 1,475 for the last intersection that is located within the Potomac Policy Area.

The CLV values at all intersections do not exceed their congestion/CLV standard during the weekday morning and evening peak hours.

APF Validity Period

Although the applicant has requested a validity period for the maximum of 12 years from the date of the planning Board's opinion, Transportation Planning staff recommends a validity period of five years under Montgomery County Code Section 50-20. The APF review was based on the submitted traffic study that projected the existing, background, and site-generated trips for approximately five years in the future. In addition, the preliminary plan amendment is proposed for the last office building and development phase that is less than 150,000 square feet. For a similar APF validity extension, the applicant would be limited to up to 2.5 years and not the full six years extension. Thus an APF validity period of five years would be consistent with the intent of Montgomery County Code Section 50-20.

EA:gw

cc: Mary Goodman  
Chris Kabatt  
Chuck Kines  
Emily Vaias

mmo to Conlon re Elizabeth Park Assocs 198091C



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Arthur Holmes, Jr.  
Director

**Memorandum**

September 29, 2005

To: Edward Axler, Senior Planner  
Transportation Planning

Via: Gregory M. Leck, Leader *gml*  
Traffic Engineering and Operations Section

From: David C. Adams *DA*  
Traffic Engineering and Operations Section

Subject: Traffic Review of Preliminary Plan No. 1-98091-C, Rock Spring Park, Parcel 14  
(formerly known as Parcel 2a)

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TIS Review:

This development adds a fourth and final office building of 117,175 square feet to yield a combined 247,926 square feet on the parcel located between Fernwood Road and Rockledge Drive and north of Democracy Boulevard. Rock Spring Park, Parcel 14 is expected to generate 191 AM peak hour trips and 189 PM peak hour trips.

The consultant calculates that all twelve critical intersections will have Total Future CLVs below both the North Bethesda and Potomac Policy Area standards.

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Conclusion:

Preliminary Plan No. 1-98091-C, Rock Spring Park, Parcel 14 passes Local Area Transportation Review.

1-90191-C29Sept05



Division of Operations

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