



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 21-068  
Preliminary Plan No. 120150100  
White Oak Town Center  
Date of Hearing: July 29, 2021

**'AUG 11 2021**

**RESOLUTION**

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

WHEREAS, on October 29, 2014, BDC Spectrum II, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision for 105,000 square feet of retail/office use on one lot and one outlot on 6.98 acres of land on CR-1.0, C-0.75, R-0.75, H-75 zoned land, located at 12345 Columbia Pike, in the northeast quadrant of the intersection of Prosperity Drive and Industrial Parkway ("Subject Property"), in the 2014 *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150100, White Oak Town Center ("Preliminary 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 July 19, 2021 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 29, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120150100 for 105,000 square feet of retail/office use on one lot

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Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

and one outlot on the Subject Property, subject to the following conditions:<sup>1</sup>

**General Approval**

1. This Preliminary Plan is limited to one (1) lot and one (1) outlot for up to 105,000 square feet of commercial uses.

**Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the mailing date of this Planning Board Resolution.

Plan Validity Period

3. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to 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 accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 2, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth 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 accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated July 6, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources

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<sup>1</sup> 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.

Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

- a) No permits for construction of buildings (meaning for foundation-to-grade, and above ground) may be issued until adequate storm drain conveyance has been provided and approved by MCDPS.
  - b) Permits for rough grading, work in the rights of way, and off-site construction, may proceed prior to MCDPS storm drain adequacy approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated June 11, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS Fire Department and Water Supply Section may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

### **Concurrent Site Plan Approval**

8. Before approval of a record plat or any clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.
9. If a subsequent Site Plan or Site Plan Amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan Amendment before certification of the Site Plan or Site Plan Amendment.

### **Environment**

#### **Forest Conservation**

10. The Applicant must comply with the following conditions of approval of Final Forest Conservation Plan No. 820180240.
  - a) Prior to the start of any clearing or grading for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Paint Branch watershed to satisfy the off-site

reforestation requirement for a total of 1.29 acres of mitigation credit. The Applicant may satisfy the off-site requirement by purchasing credits from a watershed anywhere within the County, with approval, if there are no credits for sale within the Paint Branch watershed or by payment of a fee in lieu if there are no approved mitigation credits available for purchase.

### **Transportation**

11. The Applicant must dedicate the rights-of-way (ROW) and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes. The following public street dimensions may be modified by MCDOT without the need for a Preliminary or Site Plan amendment.
  - a) A dedication of the Prosperity Drive frontage necessary to construct the following – (from the existing curb on the northwest side to the Subject Property) 11-foot southbound travel lane, 10-foot southbound travel lane, 10-foot northbound travel lane, 11-foot northbound travel lane, 8-foot landscape buffer, 12-foot sidepath.
  - b) A dedication of the Industrial Parkway frontage necessary to construct the following – (from the centerline) 10-foot westbound travel lane, 10-foot westbound travel lane, 11-foot westbound travel lane, 8-foot landscape buffer, 12-foot sidepath, 9-foot landscape buffer.

### **Record Plats**

12. There shall be no issuance of any above grade building permit (excluding the issuance of demolition, rough grading, work in the rights of way, and off-site construction and associated sediment control and ROW permits) prior to recordation of plat(s).
13. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

### **Certified Preliminary Plan**

14. Before approval of the Certified Preliminary Plan the following revisions must be made and/or information provided subject to Staff review and approval:
  - a) The Applicant must include the agency approval letters and the Preliminary Plan Resolution on the approval sheet(s).

- b) Show access easement over “spine road” on adjoining property.
- c) The Certified Preliminary Plan must contain the following note:  
*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.*

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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.*

The lots have been reviewed for compliance with Section 50.4.3.C of the Subdivision Regulations. The layout of the subdivision, including size, width, shape, and orientation of the lot continue to be appropriate for their location within the subdivision and meet all applicable requirements of the CR Zone.

**Table 1 – Data Table: CR-1.0, C-0.75, R-.075, H-75 Zone**

Chapter 59	Development Standard	Permitted/ Required	Proposed
	Tract Area (sf)	n/a	303,993 square feet
	Proposed Dedication (Industrial Parkway)	n/a	9,982 square feet
	Proposed Dedication (Prosperity Drive)	n/a	2,204 square feet
	Net Lot Area	n/a	291,807 square feet
4.5.3.C.1	Open Space	10% (29,181 square feet)	10% (29,206 square feet)
4.5.3.C.2	Lot and Density		
	Density		
	Commercial	C-0.75 FAR (227,995 square feet)	C-0.345 FAR (105,000 square feet)
	Residential	R-0.75 FAR (227,995 square feet)	R-0.0 FAR (0 square feet)
	Total Density	CR-1.0 FAR (303,993 square feet)	0.345 FAR (105,000 square feet)

<b>4.5.3.C.3</b>	<b>Placement</b>		
	Front setback	0'	0'
	Side Setback	0'	25 ft
	Rear Setback	0'	0'
	Front Street Build-to Area	70% within 20 ft	100% within 20 ft
	Side Street Build-to Area	35% within 20ft	100% within 20 ft
<b>4.5.3.C.4</b>	<b>Height</b>	75 ft	40 ft
<b>4.5.4.C.5</b>	<b>Form</b>		
	Transparency		
	Ground story, front (Industrial Parkway)	40% (min)	56.0%
	Ground story, side/rear (Prosperity Drive)	25% (min)	61.8%
	Upper story, front (Industrial Parkway)	20% (min)	34.2%
	Upper story, side/rear (Prosperity Drive)	20% (min)	35.3%

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

The Property is subject to the *2014 White Oak Science Gateway Master Plan*. The Subject Property falls within the Life Sciences/FDA Village Center, in an area referred to as “Blocks 1,2 – Tech Road and Industrial Parkway at US29”. The Project is in substantial conformance with both the general goals and recommendations of the Master Plan, as well as those that are specific to the Property. Master Plan goals are further expanded on in the Design Guidelines

Blocks 1, 2 – Tech Road and Industrial Parkway at US 29

*Mixed-use zoning at this location will encourage a combination of commercial, residential, and retail uses within a compact walkable center.*

The Project provides commercial development in a walkable design and sets up the redevelopment of this block with the “spine road”. The Applicant is constructing sidepaths along both Prosperity Drive and Industrial Parkway, which will also increase walkability.

*Several large parcels in Montgomery Industrial Park have been acquired by a local development company, including nearly 20 acres in the block bounded by Old Columbia Pike, Industrial Parkway, and Tech Road and a 25-acre parcel at the end of Tech Road. The 20-acre site is a highly visible location along US 29, as well as a gateway to this node between two primary roads. Redevelopment of this entire block, including the former APWU building, would be a significant improvement and would complement the Westech Village Corner project, across Tech Road from this site.*

The Project is proposing to redevelop a vacant property that is sitting at a prominent corner in the Master Plan area and is providing needed commercial services to the surrounding area.

*These areas could redevelop with either all residential or all commercial but are more likely to become mixed-use with residential above retail, which the proposed CR Zone will accommodate.*

The Project is a commercial development, which meets the Master Plan goal.

*The circulation network should include extending Industrial Parkway through Site 2 and connecting it with FDA Boulevard to form a “main street” through this area.*

The redevelopment of this Property is the first step in turning Industrial Parkway into a “main street”. Building B will be located along Industrial Parkway, with no setback and doors from small-scale commercial establishments opening directly onto the sidepath. This will help activate the street and the new streetscape will provide for a more comfortable pedestrian environment.

*Redevelopment of key properties should create a gateway to the area at US29 that integrates a possible BRT station.*

The Project creates a gateway through the development of a Sign/Clock Tower, accent wall, and landscaping, announcing the arrival into White Oak. This visual statement will serve as a landmark in the community - a visual exclamation point. The Sign/Clock Tower is subject to the approval of a sign variance by the Sign Review Board because of the size and height of the Sign/Clock Tower. In this case, the Sign/Clock Tower serves the additional purpose of a gateway, not just as traditional commercial signage.

*Development should improve pedestrian areas along Tech Road and Industrial Parkway.*

The pedestrian experience will be more comfortable along Industrial Parkway. The new sidepath and streetscape will encourage pedestrian movement. Currently, there is no separation between the sidewalk and curb. The new streetscape provides a wider sidepath and an eight-foot lawn panel with street trees. Additionally, the removal of the free right at the intersection of Industrial Parkway and Prosperity Drive will create a safer pedestrian crossing.

#### Sector/Master-Planned Roadway and Bikeway

The Property is adjacent to two master-planned roadways. The *2018 Master Plan of Highways and Transitways* (MPOHT) calls for a 100-foot right-of-way for Industrial Parkway with four travel lanes. The master-planned right-of-way width today is approximately 78 feet and includes two lanes. The *2018 Bicycle Master Plan* calls for separated bike lanes (one-way) on both sides of the street. The County's LATIP includes Industrial Parkway within its Local Area Transportation Improvement Program (LATIP—see section below) project portfolio, which in some cases necessitates additional right-of-way beyond the MPOHT to accommodate programmed turn lanes. Following coordination with

the Montgomery County Department of Transportation, the Applicant has agreed to dedicate 60-feet from centerline to accommodate the intent of both the LATIP program and the MPOHT. The Applicant and MCDOT agreed that a sidepath is a more appropriate and flexible facility for the site's anticipated users, and as such, the proposed separated bicycle lanes were replaced with a sidepath.

The Preliminary Plan substantially conforms to the *2014 White Oak Science Gateway Master Plan*, the *2018 Bicycle Master Plan*, and the *2018 Master Plan of Highways and Transitways*.

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

a. Vehicular Circulation and Access Points

The Applicant is providing three vehicular access points to serve the proposed development. Two access points are from Prosperity Drive. Both access points extend over the outlot of reserved space and would need to be relocated or removed in the event a future interchange was ever constructed by the Maryland State Highway Administration. A third access point is located off Industrial Parkway on the adjacent lot. This access extends a driveway through the adjacent lot, which currently functions—and will continue to function—as a shared driveway providing vehicular access to multiple tenants to the south.

Per Section 59.6.1.4.E, corner lots should only be accessed by a single driveway situated on the lowest volume roadway. From a technical viewpoint, the access on Industrial Parkway is provided via a shared driveway on an adjacent lot; as such, the Applicant benefits from the access but does not have the authority to remove it. The Applicant will secure an easement to allow use of the driveway from the adjacent owner, which will be reflected on the record plat. The two driveways located on outlot on Prosperity Drive are subject to 59.6.1.4.E. The Applicant is requesting alternative compliance approval pursuant to 59.6.8 as part of the accompanying Site Plan for this site. The driveway to the north functions as a “back-of-house” connection between Prosperity Drive and the shared driveway on the adjacent lot. This driveway will facilitate employee parking and truck loading for a planned grocery tenant on site. Removal of the driveway would necessitate the relocation of employee parking and loading into the main parking area, which would impact the proposed central walkway and stormwater retention area. Additionally, curb cuts on the main driveways would need to be widened to



accommodate trucks, which would not be ideal as tighter curb radii can slow vehicles entering the site.

Pedestrians can access the site via sidewalks adjacent to the southern vehicular access point on Prosperity Drive and sidewalks adjacent to the shared access located off Industrial Parkway. Patrons of Building B can access the bays of future tenants from entrances located on along the Industrial Parkway sidepath.

b. Site Circulation)

The Applicant is providing surface parking between the structures on either side of the site. External drive aisles range between 24 and 27 feet wide. Internal drive aisles range from 20 to 24 feet wide. The Planning Board typically prefers narrow drive aisles to the greatest extent possible; however, the Applicant's loading needs require wider aisles in some locations. Because wider aisles allow higher speeds, the Applicant limited curb radii to the greatest extent possible. In locations anticipated for truck turning, the Applicant is also providing a mountable curb with five-foot wide radii.

Existing Transit Service

The site is served by the Washington Metropolitan Area Transit Authority's Z6 Route, the County's Ride On 10 Route, and is proximate to a US-29 FLASH Bus Rapid Transit (BRT) stop. The Z6 bus provides 30-minute weekday afternoon peak hour headways during the northbound peak, spanning between Silver Spring and Burtonsville. The Ride On 10 bus provides service between Hillandale and Twinbrook via Glenmont with 25-35-minute weekday afternoon peak hour headways. Because Tech Road is positioned on both the orange and blue service patterns for the US-29 FLASH, rush hour headways are between 7 and 8 minutes.

The existing WMATA and Ride On bus stop located on Industrial Parkway will be impacted by the development. At permitting, the Applicant will work with both transit agencies to determine a suitable interim and final location for the bus stop.

Master-Planned Roadways, Bikeways, and Transitways

The Applicant is dedicating 60-feet from centerline to accommodate the intent of both the LATIP program and the MPOHT for Industrial Parkway. The Applicant is providing a sidepath to meet the intent of the required bicycle facilities.

The Applicant is providing additional turning capacity, discussed under the “Intersection of Industrial Parkway and Prosperity Drive” header below.

Prosperity Drive is master-planned as a four-lane 80-foot wide arterial. In existing conditions, only two travel lanes are striped; however, the current roadway is wide enough to accommodate four lanes. The *2018 Bicycle Master Plan* calls for a sidepath adjacent to the site, and the Applicant is providing a 12-foot wide shared facility between a double row of trees, which will help to shield the site’s surface parking from the roadway.

#### White Oak Local Area Transportation Improvement Program

The site is located within the White Oak Local Area Transportation Improvement Program (LATIP). The LATIP program is designed to cost-share currently planned transportation improvements for the area. The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program. Standard frontage improvements must still be constructed by the Applicant; however, the cost of projects assumed in the LATIP package may be credited against the fee if an Applicant chooses to—or is required—to construct an improvement.

Because the application was initially filed on October 29, 2014, this Project was reviewed under the 2016-2020 Subdivision Staging Policy (SSP). The SSP includes provisions for Urban Mobility Programs (UMPs), and specifically discusses the White Oak Local Area Transportation Improvement Program (LATIP). In tandem with the impact fee, participation in the LATIP to the satisfaction of MCDOT fulfills the Applicant's transportation adequate public facilities responsibilities.

#### Intersection of Industrial Parkway and Prosperity Drive

The Applicant is removing an existing free-right that currently facilitates northbound right-turns from Industrial Parkway onto Prosperity Drive. The free right will be replaced with a shared through-right lane, which will force drivers to significantly slow prior to making a turn. The removal of free-rights along site frontages is a standard Vision Zero related safety requirement. In its final alignment, the Applicant is providing a pocket left, two through lanes, and a shared through-right lane. At the permitting stage, the Applicant will determine whether or not the left turn pocket in the existing median is sufficient to accommodate a full car behind the proposed crosswalk’s stop bar. The Applicant will also need to provide adequate curb ramps and markings for all legs of the intersection to ensure its compliance with best practices.

The 2018 MPOHT recommends an interchange at US-29 and either Industrial Parkway or Tech Road. The Maryland State Highway Administration has not advanced any design work at this location but has requested the Applicant retain a 50-foot outlot along Prosperity Drive to accommodate the future improvement if it becomes warranted. The Applicant is maintaining a 46-foot wide outlot as it is dedicating 4 feet of the outlot for right-of-way to ensure bike facilities are located fully within the right-of-way. The Applicant has stormwater management facilities in the outlot. In the event an interchange is constructed, the Applicant will need to relocate the stormwater facilities, at cost, to ensure site compliance with stormwater regulations.

c. School Capacity

Due to the proposed non-residential use, this Preliminary Plan is not subject to the FY19 Annual School Test.

d. Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available. A storm drain capacity study has not been performed, but the Applicant will be required to complete this step prior to construction of buildings.

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

A. Forest Conservation

Environmental Guidelines

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420150460 on October 10, 2014. The approximately 6.98-acre Property is currently developed with an office building and associated asphalt surface parking lots and grass lawns with scattered trees. There are no forest or streams but there were large and specimen trees on-site. These trees were removed prior to plan submittal but these

trees are compensated for on the Final Forest Conservation Plan. The proposed plan is in conformance with the Environmental Guidelines.

Preliminary Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (FFCP) with the Preliminary Plan. While there is no forest on the Subject Property, there is a forest conservation requirement based on the Property area and land use. The forest conservation requirements of 1.29 acres will be met in an off-site mitigation bank or by fee-in-lieu payment if no banks are available. The FFCP shows the proposed development and all disturbance necessary for development. As submitted the plan complies with Chapter 22A, Forest Conservation.

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

MCDPS has determined that the Stormwater Management Concept Plan meets applicable standards.

There are no known stormwater management facilities located on the Property. In accordance with 2010 MDE Stormwater Management Regulations, the Project will implement micro-scale Environmental Site Design ("ESD") practices to the maximum extent practicable. A detailed review of the ESD stormwater management will be conducted at the time of detailed plan review by MCDPS.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and 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 the Montgomery County Land Records, or a request for an extension must be filed; 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 'AUG 11 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Commissioner Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board

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