



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

MCPB No. 22-014
Site Plan No. 820210190
ELP Bethesda at Rock Spring Phase 1A
Date of Hearing: January 27, 2022

MAR 10 2022

RESOLUTION

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

WHEREAS, on September 2, 2021, ELP Bethesda at Rock Spring LLC ("Applicant") filed an application for approval of a site plan for up to 928,844 square feet of development, including 512 independent living units, associated facilities and amenities, and a new Urban Park on 33.64 acres of CRF 1.5, C-0.75, R-1.5, H-150 zoned-land, located on Fernwood Road, 400 feet North of Democracy Boulevard, Lot N737 Rock Spring Park, Part of Parcels 6 and 12 ("Subject Property"), in the Rock Spring Sector Plan ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820210190, ELP Bethesda at Rock Spring Phase 1A ("Site 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 January 14, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 27, 2022, the Planning Board held a public hearing at which it heard testimony and received evidence 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 Site Plan No. 820210190 for up to 928,844 square feet of development, including 512

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

independent living units, associated facilities and amenities, and a new Urban Park, on the Subject Property, subject to the following conditions:¹

DENSITY, HEIGHT AND HOUSING

1. Density

The Site Plan is limited to a maximum of 928,844 square feet of Residential Care Facility uses, for up to 512 independent living units, for Phase 1A.

2. Height

The development is limited to a maximum height of 150 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated December 21, 2021 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential units, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. Facilities and Amenities

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.

- a) Prior to the first residential use and occupancy certificate for Phase 1A, the Applicant must construct the streetscape improvements along the Property's frontage on Fernwood Road.
- b) Before the issuance of the final use and occupancy certificate for Phase 1A, the Woodland Park/Open space area along the western Property line must be completed as shown on the Certified Site Plan and open to the public.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines (2017)* for each one.

a) Major Public Facilities

- i. Before the issuance of the first residential use and occupancy permit, the right-of-way improvements on Fernwood Road/Westlake Terrace beyond the Property frontage, west and south of the Property, must be completed and open to traffic. If the Montgomery County Department of Transportation (MCDOT) has not determined a final design for the Fernwood Road/Democracy Boulevard intersection prior to the issuance of the right-of-way permit, MCDOT may accept a fee-in-lieu of construction of the Fernwood Road right-of-way improvements proposed between the entrance to the Camalier Property and the Fernwood Road/Democracy Boulevard intersection. For the fee-in-lieu, the Applicant must provide an engineer's estimate that will include contingencies and be approved by MCDOT prior to issuance of right-of-way permit and the payment must be made to MCDOT prior to issuance of the first use and occupancy permit.

- ii. Provide the Urban Park per Condition no. 6 (M-NCPPC Parks).

b) Transit Proximity for confronting a master planned Bus Rapid Transit stop with a dedicated fixed path (Level 2).

c) Quality Building and Site Design

- i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.

- ii. Exceptional Design
 - iii. Public Open Space –The Applicant must provide a minimum of 4.3 acres (187,308 square feet) of public open space on the Property, not including the Urban Park on Lot 2.
 - iv. Structured Parking –The Applicant must provide approximately 1,011 of the proposed parking spaces within an above-grade structure.
- d) Protection and Enhancement of the Natural Environment
- i. Building Lot Terminations (BLTs) – Before issuance of the first building permit, the Applicant must provide proof to the MCDPS and M-NCPPC staff of the purchase and/or payment of 0.3438 BLTs.
 - ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 - iii. Vegetated Area – The Applicant must install plantings in a minimum of 12 inches of soil, covering a minimum of 5,000 square feet outside of the Urban Park on Lot 2, and any stormwater management easements.
6. M-NCPPC Department of Parks
- a) The Applicant must dedicate to Maryland-National Capital Park & Planning Commission ("Commission") "Lot 2," identified as the Urban Park on the approved Preliminary Plan for use as a public park. The land must be dedicated to the Commission by providing a deed in a form approved by the Commission's Office of General Counsel. There must be a note on the record plat identifying the area to be dedicated for the Urban Park.
 - b) The Commission will hold the deed in escrow until the Urban Park construction is complete and accepted by the Montgomery County Department of Parks ("Department of Parks.") and the land is ready for transfer to the Department of Parks.
 - c) The Applicant reserves the right to retain a temporary construction easement along the western boundary of the Urban Park to facilitate the construction of the adjacent building and to ensure the safety of the park users.

- d) A Park Permit for Construction must be obtained by the Applicant for construction of the Urban Park on "Lot 2". The final design must be substantially similar to the design shown on Sheets L4.51, L4.52, L5.52, L5.53, L5.54, L5.55, L5.56 and all of the elements identified on the Certified Site Plan, which the Applicant will refine with approval of the Parks Department prior to Certified Site Plan. The landscaping, site elements, and other features within the Urban Park may be modified through the approval of a Park Permit, without a site plan amendment.
- e) Prior to issuance of the final residential use and occupancy permit for Phase 1A, the Applicant must complete construction of the Urban Park on "Lot 2" and the park must be accepted by the Department of Parks as "substantially complete".
- f) The Applicant will enter into an agreement with the Department of Parks to maintain the Urban Park for the first five (5) years following final acceptance of the Urban Park construction by the Department of Parks. The Parks Department and the Applicant may extend the agreement beyond five years.
- g) In connection with the issuance of the Park Permit, if the approved park design includes high maintenance landscape elements as identified by the Department of Parks, the park permit may require a maintenance agreement between the Parks Department and the Applicant in perpetuity for these high maintenance landscape elements.

7. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, walking path and trails, benches and landscaping with the exception of the public amenities proposed as part of the Urban Park which shall be maintained in accordance with Condition No. 6.f).

ENVIRONMENT

9. Forest Conservation

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan ("FCP"). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) Prior to recordation of the plat and the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I or II Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I or II Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
- d) Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 3.02 acres of new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
- e) Prior to any demolition, clearing, grading or construction 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 Cabin John Creek watershed to satisfy the reforestation requirement for a total of 2.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John Creek watershed or by making a fee-in-lieu payment if no forest mitigation bank credits are available.
- f) Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement fencing and signage along the perimeter of the

conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- g) Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands. The use of herbicides should be avoided where possible.
- h) The Applicant must install the Afforestation/Reforestation plantings for Planting Areas A and B (outside of the limits of disturbance ("LOD")) as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- i) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3.5 caliper inches totaling at least 207.05 caliper inches as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- j) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FCP.
- k) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

10. Noise Attenuation

- a) Prior to Certification of the Site Plan, the location and details for noise mitigation techniques must be approved by Staff. Current noise levels must be attenuated to no more than 65 dBA Ldn for ground level areas of common and individual outdoor activity.
- b) Prior to the issuance of the first residential building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - i. The installation of the noise mitigation techniques to attenuate the current noise levels to no more than 65 dBA Ldn for the exterior public use spaces are adequate.
 - ii. The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn in buildings RB 1.1 and RB 1.2, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) Before the final inspection for any residential unit in buildings RB 1.1 and RB 1.2, the Applicant/developer/builder must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- d) If any changes occur to the Site Plan which affect the validity of the noise analysis dated July 31, 2020, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- e) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- f) For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers/residents that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents

and must be included in any noise impacted sales contracts, leases or other forms of conveyance of any interest in or right to occupy the units, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

- g) All noise impacted units must be clearly identified on the Certified Site Plan.

11. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated October 25, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION

12. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated November 17, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the release of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management (TDM) Plan from the Montgomery County Department of Transportation (MCDOT).

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 48 long-term and 2 short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit bicycle parking areas in a parking garage, and the short-term spaces must be inverted-U racks (or

approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

- c) The Applicant must provide one bicycle repair station.
- d) Prior to the first use and occupancy permit for Phase 1A, the Applicant must reconstruct Fernwood Road/Westlake Terrace and provide the pedestrian and bicycle improvements consistent with the Certified Site Plan, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations.

14. Fire Department Access

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 12, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

SITE PLAN

15. Site Design

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

16. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

17. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

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

18. Development Program

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

19. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Provide a Recreation Facilities Sheet to show the location of each recreation facility and to demonstrate that each element meets the M-NCPPC Recreation Guidelines square footage requirements.
- g) Update Final Forest Conservation Plan Sheet No. C-210 to reflect revised Variance Tree Impacts.
- h) Clearly show the limits of the Subject Site Plan.
- i) Obtain Parks Department approval for Sheets L4.51, L4.52, L5.52, L5.53, L5.54, L5.55, and L5.56.
- j) Show that the "Vegetated Area" qualifies for 10 points under the Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines.
- k) Include the public benefit chart approved by the Planning Board.

- l) Include modifications to the garage façade and any additional plantings shown in the “ELP Bethesda Garage Revised Plantings” exhibit shared with Staff via email on December 17, 2021.
- m) Change the sidewalk located along Fernwood Road, between the Camalier property and the Fernwood Road/Democracy Boulevard intersection, to a sidepath.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of ELP Bethesda at Rock Spring Phase 1A Site Plan No. 820210190, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and 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 development satisfies any previous approval that applies to the site.*

The Site Plan satisfies Local Map Amendment LMA H-135, Sketch Plan No. 320210030, and Preliminary Plan No. 120210040. All prior Site Plan approvals are invalidated and superseded upon approval of the Subject Application.

- 2. The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there was no development plan or schematic development plan in effect on October 29, 2014.

- 3. The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

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

- 4. The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 33.64 acres zoned CRF 1.5, C-0.75, R-1.5, H-150. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required For Overall Project	Proposed for Overall Project	Approved for Phase 1A
Tract Area	n/a	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF
Prior Dedication	n/a	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF
Park Dedication	n/a	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF
Site Area	n/a	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF
Residential Density	1.5 FAR/ 2,353,236 SF	1.497 FAR/ 2,347,936	0.60 FAR/ 928,844 SF
Independent Living Units	n/a	1,300	512
Assisted Living Units	n/a	160-210	0
Skilled Nursing Units	n/a	30-50	0
Commercial Density	0.75 FAR/ 1,176,618 SF	.003 FAR/ 5,300 SF	0
Total Density	1.5 FAR/ 2,353,236 SF	1.5 FAR/ 2,353,236 SF	0.60 FAR/ 928,844 SF
MPDU requirement (independent living units)	15%	15%	15%
Building Height, max	150 ft	150 ft	150 ft
Public Open Space, min	10% / 3.36 acres	33%/ 11 acres (including 1.75- acre park dedication)	18%/ 6.05 acres (including 1.75-acre park dedication)
Minimum Setbacks (ft) Front (Fernwood Rd) Side (I-270)	0 100	0 108	31 108

In the CRF Zone, the Applicant is required to provide 100 Public Benefit points in four categories. For Phase 1A, the Planning Board approves 105.78 points in four categories as described below.

Public Benefit Points

Public Benefit	Total Points Possible	Proposed for Overall Project	Approved for Phase 1A
Major Public Facilities			
Urban Park- 1.75 acres	70	10.4	10.97*
Extension of Bike Path		8.05	8.53*
Learn Grow Lead		25	-
Transit Proximity	50	30	30
Diversity of Uses			
Enhanced Accessibility for Seniors or the Disabled	20	20	-
Quality Building and Site Design			
Architectural Elevations	10	5	5
Exceptional Design	10	5	5
Public Open Space	20	20	13.48*
Structured Parking	20	13.33	9.71
Protection and Enhancement of the Natural Environment			
Building Lot Termination	30	30	3.09
Cool Roof	10	10	10
Vegetated Area	10	10	10
Retained Building	100	10	0
Total		196.78	105.78

*The slight increase in points is a result of removing the 1.75-acre park dedication from the net lot/site area in the point calculations below.

Major Public Facilities

- Urban Park: One of the major public benefits of the Overall Project is the dedication of the 1.75-acre Urban Park to M-NCPPC. The Applicant will construct and dedicate the Urban Park with Phase 1A. The multi-generational

Urban Park will provide amenities for the surrounding community. The Planning Board approves 10.97 points using the following formula:

$$((\text{Land area conveyed/Net Lot Area}) * 2) + (\text{Constructed area of facility/Net Lot Area} * 4) * 100$$

$$=(1.75 \text{ acres} / 31.90 \text{ acres}) * 2 + 0 = 10.97 \text{ points}$$

- Extension of bike path beyond site frontage: The Applicant proposes to construct 0.68 acres of bikeway improvements beyond the Property frontage and requests 8.05 points. The Planning Board approves 8.53 points based on the following calculation:

$$((\text{Land area conveyed/Net Lot Area}) * 2) + (\text{Constructed area of facility/Net Lot Area} * 4) * 100$$

$$=(0 + (0.68 \text{ acres} / 31.9 \text{ acres}) * 4) * 100 = 8.53 \text{ points}$$

- Learn Grow Lead: This program, in partnership with Montgomery County Public Schools (MCPS), provides exposure and training to a wide variety of career paths for nearby high school students, many of whom have decided not to pursue a college degree. The Learn Grow Lead program will be provided in connection with a later phase of the Overall Project and thus no public benefit points are derived from this program in connection with Phase 1-A.

Transit Proximity

The Property confronts a master planned Bus Rapid Transit stop with a dedicated fixed path along Fernwood Road, which the Zoning Ordinance identifies as transit service proximity level 2. Since the bus stop confronts the Property, the Planning Board approves 30 points in accordance with the Zoning Ordinance specifications.

Quality Building and Site Design

- Architectural Elevations: The Planning Board approves 5 points in Phase 1A for development that provides and is bound by architectural elevations that show particular elements of the façade. The Phase 1A elevations demonstrate:
 - Minimum Amount of Transparency on the First Floor: The building has been designed to encourage interaction with the public realm by providing a high level of transparency at its base.
 - The residential towers in relation to the surrounding context: The building height varies to give character to Phase 1A as well as to respond to the existing development across Fernwood Road. An upper floor step back is used to reduce the bulk and massing of the buildings and thereby reduce the perceived height of the building. This strategy also provides more sunlight to the public realm and

open space for the top floor while providing visual interest to the building roof plane.

- While the residential buildings create a unified urban form when viewed from a distance, each building has variation in its architectural elements and details such as fenestration pattern, railing design and material color. The buildings are adequately separated to ensure the streets and open spaces are not overwhelmed, especially by shadows.
 - The first floor of all the buildings is taller than the upper floors, giving it a more predominant presence. Each building façade is articulated with projected bays and balconies to create visual interest, texture and shadow. These elements also generate an attractive cadence that is well proportioned for the urban context.
 - The buildings utilize different techniques to bring daylight into the building and help define the character of building. Fenestration strategies include different shape, size, pattern, rhythm, levels of transparency, and location of the façade apertures.
 - Durable and high-quality material will be used to achieve harmony with neighboring buildings, be environmentally sensitive and contribute to a varied urban street fabric. Bricks, precast, metal panel and aluminum windows will be the primary materials for Phase 1A.
- Enhanced Accessibility for the Disabled: Up to 260 of the units will comply with the ANSI 117.1 Residential Type A Standards for accessibility. No points are requested with Phase 1A because the accessible units will be provided in future phases.
 - Exceptional Design: The architectural design of the Phase 1A buildings advances the design principles outlined in the Sector Plan and Design Guidelines. The Planning Board approves 5 points based on the following:
 - Enhancing the Public Realm: The development of this Continuing Care Retirement Community (CCRC) will serve as one of the first major steps in transforming an outdated office park into a revitalized mixed-use community serving not only an aging and often excluded population, but the entire Rock Spring neighborhood. The incorporation of the Urban Park, bike lanes, and additional vegetation and green scape will activate the region and attract similarly attractive uses and redevelopment.

- **Materials and Form:** The building designs in Phase 1A will revolve around the connectivity aspect of the site by activating the ground level with facades framed in charcoal grey metal panels. The use of brick and metal panels applied on the buildings in varying heights will enhance the spatial experience and provide an inviting and architecturally interesting building design, acting in stark contrast to the existing office buildings in the Rock Spring Central District.
- **Creating Sense of Place:** With the Park along the Property frontage, and the expansion of the bicycle and pedestrian pathways, Phase 1A will begin to create a sense of community amongst the somewhat disjointed regions of Rock Spring that currently exist.
- **Low Impact Development:** Almost one-third of Phase 1A (6.05 acres) will be devoted to open space, consisting of the Urban Park, promenade and linear open space. The Applicant will seek Gold NGBS certification for the Project which will include a significant number of energy conservation measures.
- **Public Open Space:** In addition to the Urban Park, (which is not included in this Public Benefit Calculation) Phase 1A devotes approximately 4.3 acres of open space to public use in accordance with the Sector Plan's recommendation to incorporate additional public open green space in the Sector Plan area. The Planning Board approves 13.48 points, using the following calculation:

(Public open space/Net lot area) *100

(4.3 acres /31.9 acres)*100= 13.48

- **Structured Parking:** The Applicant proposes a total of 1,041 parking spaces with Phase 1A, of which 1,011 spaces will be located in the retained parking garage. The Planning Board approves 9.71 points using the following calculation:

[(Above-grade spaces/Total spaces)*10 + (Below-grade spaces/Total spaces)*20

=(1011/1041) *10 +0= 9.71 points

Protection and Enhancement of the Natural Environment

- **BLTs:** The Applicant must purchase 0.3438 building lot termination easements, which will generate 3.09 public benefit points according to the following calculation:

((Phase 1A Density- Standard Method Density)*0.75)/31,500

=(928,844-784,412)*0.075)/31,500

= 0.3438 BLTs * 9 point per BLT = 3.09 points

- **Cool Roof:** All roof area, with the exception of the existing parking garage, will provide the minimum required solar reflective index to qualify as a cool roof. The Planning Board approves 10 points.
- **Vegetated Area:** A minimum area of 5,000 square feet will include plantings in a minimum soil depth of 12 inches outside the park areas. The Planning Board approves 10 points.

Retained Building

The Applicant requests 10 points for retention of the 316,960-square foot existing above-grade parking structure. Although the Planning Board supported this proposal in the Sketch Plan, the Applicant subsequently determined that the retained parking structure does not meet the Zoning Ordinance criteria to award public benefit points. Therefore, the Planning Board does not approve any points for this public benefit.

Sketch Plan no. 320210030 condition no. 4f requires a retained building as a public benefit, but Section 59-7.3.3 allows amendments to conditions of Sketch Plan approval at the time of Site Plan if recommended by Planning Staff and agreed to by the Applicant. The Planning Board approves the amendment to Sketch Plan condition no 4f, removing the requirement to provide a retained building as a public benefit.

b. General Requirements

i. *Site Access*

The Phase 1A project will use existing vehicular access at the three signalized intersections on Fernwood Road² and will eliminate the right-in/right-out driveway that is currently located mid-block between the Fernwood Drive intersections with Rockledge Drive and Rock Spring Drive. The portion of the southern access road (proposed to be renamed as Thomas Spring Way) located to the west of the entrance to the adjacent property will be relocated further north, out of the stream valley buffer. The width of this access point will be reduced through the elimination of the right turn egress lane to accommodate narrower pedestrian crossing distances and additional space for stream restoration. Right turn movements exiting the shared access road will continue to be accommodated in a separate egress lane while left turn and through vehicular movements will be consolidated.

The other two access points will be located at signalized intersections in approximately the same location as the existing driveways, one at Fernwood Road and Rock Spring Drive, and the other at Fernwood Road and Rockledge Drive.

² Westlake Terrace terminates at the Rockledge Drive intersection and changes name designations to Fernwood Road east of the Rockledge Drive intersection.

The Applicant will upgrade the existing sidewalks located to the back of curb and gutter along Fernwood Road to a consistent six to seven-foot wide, with physical separation in the form of tree panels and/or separated bikeways as part of this phase. A bi-directional separated bikeway will be provided along the Property frontage. Bikeway improvements will continue offsite to the Fernwood Road/Democracy Boulevard intersection to the south, and to across the I-270 bridge to the northwest.

ii. *Parking and Loading*

The Project will satisfy the parking and loading requirements as demonstrated in the table below, with two associated Parking Waivers.

Parking and Loading Requirements

	Required/Allowed	Approved for Phase 1A
Vehicle Parking (min/max)	306/562 ¹	1,041 ²
Motorcycle spaces	2% (10 max)	10
Electric vehicle ready	1 per 100 vehicle spaces	100
Accessible spaces	As required by state law	21
Car-share	5	5
Bicycle Parking	48 long-term spaces, 2 short-term spaces	48 long-term spaces, 2 short-term spaces
Loading Spaces	4	3 ³

¹ Based on 512 independent living dwelling units + 100 employees.

² 1,011 spaces provided in existing parking garage, 30 spaces on-street. The Planning Board approves a parking waiver to exceed the maximum number of parking spaces allowed in Phase 1A. The parking waiver is discussed below.

³The Planning Board approves a parking waiver to address the deficiency of one loading space with Phase 1A. The parking waiver is discussed below.

Parking Waiver

The Planning Board approves a parking waiver, under Section 59-6.2.10, to exceed the maximum number of vehicle parking spaces allowed for Phase 1A. The parking waiver was noticed, with an updated application notice, in accordance with Section 59-7.5.2.D. Given that the maximum number of parking spaces allowed for this phase is 562 spaces and a total of 1,041 parking spaces is provided, primarily in the retained parking garage,

a parking waiver to allow 479 spaces above the maximum is acceptable. The parking waiver is necessitated by the size of the existing parking structure and the fact that it will be used in connection with the first phase of development.

While it is anticipated that at full buildout of the Overall Project, the number of vehicular parking spaces generated will continue to exceed the parking requirement, the number of excess spaces in Phase 1A is exaggerated given that this first phase will front-load a significant percentage of the overall parking due to the existence of the parking structure.

The Planning Board also approves a Parking Waiver to provide one less loading space than required— three loading spaces instead of four. Section 59- 6.2.8 B.2 requires that group living uses of 750,000 square feet or more must provide four loading spaces. The waiver of one loading space is justified for Phase 1A given that this phase includes only independent living units, and not the more service-intensive assisted living and nursing care uses. The Applicant is confident that three loading spaces will more than adequately serve its loading needs for this first phase, based on the 35 other CCRCs it has developed nationwide. At full buildout the Overall Project anticipates providing at least five loading spaces.

iii. Open Space and Recreation

Two of the CCRC's major public open space components, the Urban Park and the Woodland Hill Open Space, will be delivered with Phase 1A. These areas comprise over six acres and will provide residents, visitors and the general public with spaces for active and passive recreation.

The multi-generational Urban Park will include a shaded plaza with seating, a play area, trails, a fitness area, and a multiuse lawn that will engage residents of all ages and abilities in the community. As part of the subsequent phase, the Applicant will also develop an adjacent promenade encompassing approximately .26 acres (16,500 square feet) which will serve as a functional extension of the Park. The promenade will feature modern, interactive seating, such as swings, to engage nearby high school-aged students.

The Woodland Hill open space is located behind the existing parking structure and the trail in this area will turn up to the north towards Fernwood Boulevard gently climbing up hill through a newly planted and existing mature woodland area. With subsequent phases, the walking trail will connect with the Urban Park and public sidewalks though the Thomas Branch open space area on the west side of the Property.

The Application includes an analysis of on and off-site recreational facilities, Scenario ID 19477, demonstrating conformance with the Recreation Guidelines. The extensive on-site recreation facilities include a trail system, a bikeway, a dog cleaning station, indoor community space, performance space, an exercise room, a yoga room, open lawn, natural

area, a community garden, ornamental gardens, playgrounds for various age groups, resident lounge, interior courtyards, a rooftop amenity, an urban plaza, a neighborhood green, a swimming pool, a public park, a civic green, various picnic/seating areas and an outdoor fitness station.

iv. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will enhance the streetscape along Fernwood Road and the internal private roads. The facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The landscape design both connects the development to the neighborhood while providing clear transitions from public spaces to private areas. The on-site lighting will limit the necessary light levels to streets and sidewalks, providing safe lighting at a pedestrian scale.

5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 25, 2021. The plan will meet stormwater management requirements through the use of via micro-bioretenention and planter boxes.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Natural Resource Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation (No. 420200260) was approved on November 8, 2019. The Thomas Branch stream runs along the southern boundary of the Property, which also contains areas of wetland and FEMA designated floodplain. There are no forested areas onsite, but the Property contains a number of specimen trees.

The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The environmentally constrained area is 7.12 acres of regulated environmental buffers, which includes 2.25 acres of 100-year floodplain, 1.19 acres of wetlands and 1.83 acres of wetland buffers. There are areas of steep slopes 25% and greater located primarily on the south and west portions of the Property.

There are no known occurrences of rare, threatened, or endangered species on the Property.

Environmental Guidelines

An entry road constructed for the Marriott Headquarters currently lies within the stream buffer to the north of the stream. The first portion of the entry road is shared with a property to the south of this site.

Planning staff met with the Applicant for a Concept Plan review and during the review of rezoning application No. H-135. During this time, the Applicant worked with staff to move the existing southern entry road north out of the stream buffer beyond the shared access to the neighboring property. A paved pedestrian path will be permitted within a portion of the stream buffer to provide an opportunity for residents to walk safely around the stormwater pond and connect to existing paths that loop to the other side of the pond. The Planning Department's Environmental Guidelines permit "small amounts of clearing and grading for other purposes within the stream buffer on a case-by-case basis so long as the modification is consistent with a comprehensive approach to protecting areas that are critical to preserving or enhancing streams, wetlands, and their ecosystems (Section V.A.1.e) under criteria detailed in the Guidelines, including that "the plan design provides compensation for the loss of buffer function." The Applicant has been working with staff and other agencies to design measures that will enhance stream buffer function and stream water quality. The Final Forest Conservation Plan submitted with the next Site Plan will include these measures.

Forest Conservation Plan

The Preliminary Forest Conservation Plan H-135 was approved by Planning Board Resolution MCPB 20-020 dated April 3, 2020 during the review of the re-zoning of the Property, which included a Development Plan. Final Forest Conservation Plan (FFCP) 820210190 was submitted as part of this Site Plan application.

The Subject Property is zoned CRF 1.5, C-0.75, R-1.5, H-150 and is classified as Mixed-Use Development as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL") and specified in the Trees Technical Manual. This results in an afforestation requirement of 15% of the net tract area and a conservation threshold of 20%. Because there is no forest on the site, the afforestation figure of 5.27 acres is the forest conservation mitigation requirement.

The Applicant will fulfill their forest conservation mitigation by planting 3.02 acres of forest on site, primarily within the stream buffer. The 2.25 remainder of the requirement will be fulfilled by off-site options. The hierarchy of fulfillment is to provide the off-site portion through planting forest off-site in the same watershed, if possible; to provide afforestation elsewhere in the County if no opportunities exist in the same watershed; or to pay a fee-in-lieu if there are no off-site forest planting opportunities available.

All of the planted forest and the environmental buffer areas will be protected by a Category I easement within the stream buffer, and by Category II easements in forest planted outside of the stream buffer. Easements cannot be established in significant portions of the stream buffer that are already encumbered with easements from other agencies.

Forest Conservation Variance

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

This Application will require the removal or CRZ impact to 24 Protected Trees as identified in the Staff Report. Four additional trees (Numbers 15, 16, 17, and 18) were approved for removal under a variance approved with PFCP H-135. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

In this case, the unwarranted hardship is caused by the requirements of the zone and the Rock Spring Master Plan, which require that the buildings be pulled up to the street frontage, and that master-planned frontage improvements, including sidewalk improvements and bicycle facilities, be constructed on the street side of the property. If these requirements are not met, the submitted plan will not be in compliance with either the zoning requirements or the Rock Spring Master Plan. These requirements result in extreme damage to trees 37, 49, 51, 52, 53, 54, 57, 58, 61, 62, and 63, and necessitates their removal. Trees 4, 5, 6, and 50 are in the existing front parking lot that is to be removed to make room for two new buildings on the site. Trees 19 and 20 are within the courtyard on the south side of the existing building that is to be demolished to clear space for a substantial part of the development. Tree number 33 is within the demolition zone on the west side of the existing building. Between the frontage improvement requirements, the zoning requirements, and the demolition of the existing building, the impacts of the development will not make it possible to save these trees and still develop the site as intended by the zoning and the Rock Spring Master Plan.

The Board makes the following findings necessary to grant the Variance:

- 1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the eighteen trees is due to the location of the trees and necessary site design requirements. The Planning Board approves removal of the eighteen trees with mitigation. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and the zoning, master plan and design requirements of this project.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of these eighteen trees by planting larger caliper trees on-site. Therefore, the Planning Board concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately one-inch caliper for every four inches removed using trees that are a minimum of inches caliper in size. This results in a total mitigation of 207.05 inches with an installation of 60 3.5-inch caliper trees. No mitigation is required for Protected Trees impacted but retained.

Noise Analysis

A Phase I Noise Analysis was prepared for the Property by Phoenix Noise and Vibration, LLC due to its proximity to high-volume roadways including Interstate 270, and the results were provided in a report dated July 31, 2020. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County "Staff

Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas in the urban ring, freeway and major highway corridor areas.

The results of the analysis for this Property indicate that the parking garage will block noise from I-270 at the ground level and at lower levels of the residential buildings, but that the upper levels of the buildings facing I-270 will be subjected to excessive noise levels. The Noise Analysis notes that “a portion of the outdoor activity areas may be exposed to noise levels above 65 dbA Ldn.” This outdoor activity area includes the perimeter walking path adjacent to I-270. A structural noise barrier should be considered to reduce excessive noise exposure in this area.

The analysis also determined that the highest building façade noise level will approach 75 dBA Ldn. The Noise Analysis says that “residential units with impact above 65 dbA Ldn require further analysis and may require modifications to the proposed standard building construction. Depending on the noise level specific to each impacted unit, modifications may include increased window/door STC rating or slight adjustment to exterior wall construction” to ensure the guideline recommendations for interior areas are achieved.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The majority of the parking for the development is located within a retained parking garage located behind the Phase 1A buildings. Some parking will also be provided on-street to serve short-term parking needs of residents, visitors and park users.

An internal private street grid will provide circulation for private vehicles, pick-ups/drop-offs, deliveries. No parking, deliveries, or other short-term parking needs will occur within the public right-of-way. Garage entrances, on-street parking, and layby drop-off areas, which will provide dedicated zones for transportation providers serving the Property’s older adult residents as well as personal vehicles will be located within the Applicant’s internal private street network. Providing such short- and long-term vehicular amenities will prevent on-street conflicts and maintain multimodal flow on Fernwood Road/Westlake Terrace.

The internal private street network consists of ten-foot travel lanes, six-foot sidewalks, tree panels, bio-retention facilities such as rain gardens, and on-street parking throughout this phase of the overall development. Traffic calming countermeasures such as chicanes will further the safe movement of people walking and establish the precedent for people driving that they are entering/traveling through an urban environment. The majority of the internal private street network will be constructed in this initial phase,

with construction of the private shared street from Building RB 1.2 to the Fernwood Road and Rock Spring Drive intersection to be constructed as part of a future phase.

Building massing is consistent with the existing and proposed buildings in the vicinity and the building step backs will reduce the perceived mass and bulk of the buildings. The layout of buildings will form distinctive courtyards or 'outdoor rooms' connected visually and physically to the indoor community spaces at ground level. This approach will create a contiguous fabric of community activity at the ground level that promotes a community that is highly livable and walkable, all the while providing security and protection to its senior population.

The public open spaces are well in excess of the zoning requirements. An Urban Park will be constructed by the Applicant and dedicated to the M-NCPPC Parks Department. The Urban Park is prominently located on Fernwood Road and will provide varied facilities and amenities for residents, visitors and the general public. The Woodland open space will provide a meandering trail through existing and newly planted forest conservation areas on the western side of the Property. The Applicant proposes a rich array of amenities in Phase 1A to future residents of the CCRC and to the surrounding area including the public park, extensive landscaping, and site furnishings.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Project substantially conforms with the recommendations of the 2017 *Rock Spring Sector Plan* (Sector Plan or Plan) and *Parking Lots To Places: White Flint and Rock Spring Design Guidelines* (Design Guidelines). The Sector Plan recognizes the history of the Rock Spring area from its heyday as one of Montgomery County's premier office parks in the 1980s through early 2000s to the increasing vacancy rates in the late 2000s and Marriott International's plans to relocate its headquarters to a transit proximate location (page 7). According to the Plan, the relocation of Marriott would increase the office park's vacancy rate to 39%, absent other changes. The development addresses the large gap that will be left in Rock Spring by the departure of the Marriott headquarters.

The CCRC is consistent with the Sector Plan's overall vision to encourage the evolution of the area into, "a well-integrated, amenity-rich district for existing employers and future residents" (p. 17). The Project will help fulfill the overall vision by accomplishing the following overarching Plan goals:

- Adding a new type of residential infill development to area's existing mix of uses, helping to reshape the area into a more well-integrated community.

- Increasing publicly accessible green spaces within the Plan area by providing a 1.75-acre Park, a walking trail open to the public, and an enhanced streetscape for pedestrians and bicyclists.
- Concentrating new activity along the “central spine” (Fernwood Road/Rock Spring Drive) as the proposed buildings and the Park will line the Property frontage along Fernwood Road.
- Helping to create a safe, low stress pedestrian and bicycle network with proposed streetscape improvements along Fernwood Road. (p. 20)

The Sector Plan includes the Property within the Rock Spring Central/Mixed-Use Business Campus District, identified as a traditional suburban format office park built primarily in the 1970s and 1980s. The Plan recommended the CR zone to provide options and flexibility for infill or redevelopment in the future should circumstances change for the office buildings. The relocation of Marriott Headquarters to downtown Bethesda provides the opportunity to introduce a greater mix of uses into the area.

The Sector Plan provides design and connectivity guidance for redeveloping properties within the central Rock Spring area. The Project directly addresses the following recommendations (p.36):

- Prioritizing the central spine as a pedestrian-friendly environment.
- Introducing a mix of uses and pedestrian-friendly amenities that can promote and enhance walkability to and from the central spine.
- Promote sustainable building and site development practices with a variety of interconnected open spaces and high levels of internal connectivity.

The Site Plan prioritizes the establishment of the central spine as a pedestrian-friendly environment by orienting development towards it. Phase 1A includes residential uses, a public park, and a publicly accessible walking path.

Open Spaces

The Sector Plan includes open space recommendations specific to the Subject Property:

- If the Marriott site redevelops, the Plan recommends public civic gathering/green open spaces, plazas, and active recreation spaces at this location. Of the approximately 3.3 acres of required open space, one of the spaces should include a civic green of one to two acres of usable open space to accommodate large community gatherings and events. The civic green should include a large lawn area to support multiple uses including markets, festivals, and recreational uses.

- The Plan recommends creating and continuing a greenway with a walking trail along the existing tributary. (p. 60)

Phase 1A provides a 1.75-acre lot that will be developed as a multi-generational Park and dedicated to the Parks Department. In addition, Phase 1A also provides the Woodland Hill Open Space along the Property's western border, consistent with the Plan's open space recommendations. Together these areas comprise over six acres of Public Open Space.

Public Benefits

The Plan prioritizes the public benefits as follows:

- Dedication of land for needed school site is the highest priority public benefit.
- Providing 15% MPDUs is the highest priority public amenity for new residential development, unless the Property is required to dedicate land for a school or athletic field.
- Other major public facilities including land for parks and school athletic fields, dedications for the North Bethesda Transitway, a library, a recreation center, County service center, public transportation or utility upgrade.
- Diversity of uses and activities.
- Connectivity and mobility.
- Reuse of existing building. (p. 81)

The Sector Plan further states that any application for a CRF Zone must include major public benefits (p. 35). This requirement was a binding element of the Local Map Amendment H-135 approval. The Phase 1A Site Plan proposes the following major public benefits to fulfill this requirement: the construction and dedication of a 1.75-acre multi-generational park to M-NCPPC and streetscape improvements beyond the Property frontage. A future phase will provide a partnership with Montgomery County Public Schools (MCPS) on a workplace training program.

Staff reached out to the MCPS to discuss the Application in the context of the Master Plan recommendations for a school site. MCPS did not pursue acquisition of the Property through the Subject Application.

Phase 1A includes a robust public benefits package. In addition to the major public facilities, public benefits include transit proximity, architectural elevations, exceptional design, building reuse, public open space and structured parking.

Environment and Sustainability

Phase 1A includes the use of cool roofs and vegetated areas. These public benefits are included in the sustainability recommendations of the Plan. The Project will also provide pedestrian and bicycle facilities, as well as access to health services. Staff encourages the Applicant to look at the sustainability recommendations of the Plan for additional sustainability features that can be incorporated into the Project during future phases.

Sector/Master-Planned Roadways

The Property fronts on Fernwood Road, which turns into Westlake Terrace heading west towards the bridge over the I-270 spur. Fernwood Road is 80-feet wide and transitions into the 90-foot-wide Westlake Terrace to accommodate the bridge crossing over I-270.

The Sector Plan reclassified both Fernwood Road (B-2) and Westlake Terrace from arterial to business district streets, with the number of lanes reduced from four to two to accommodate a two-way separated bike lane. The reduction of lanes is also known as a “road diet.” The intention is to create a “complete street” along Rock Spring’s central spine that is safer for people that walk, bike, and use transit. The road diet involves reducing the four through travel lanes to two travel lanes and replacing the center left turn lanes with a single two-way left turning lane. Space from the eliminated lanes will be used for a two-way separated bike lane on the south/west side of Fernwood Road and Westlake Terrace.

Westlake Terrace: Westlake Terrace is classified as a 90-foot two-lane Business District Street with Planned Bus Rapid Transit. The existing section has four (4) lanes; however, the Sector Plan recommends that the segment adjacent to the Property reduce its number of travel lanes from four (4) to two (2) while maintaining the 90-foot width recommendation. The additional space is intended to support high-quality bicycle facilities with sufficiently wide separation from vehicles.

The lane reduction will require the Applicant to restripe Westlake Terrace. The Applicant proposes to maintain the 90’ right-of-way and is able to achieve the non-vehicular elements recommended by the *Design Guidelines* including a ten-foot-wide master-planned bidirectional separated bicycle lane facility.

A 40-foot transit easement is identified on the north side of Westlake Terrace to accommodate the future North Bethesda Transitway, which will provide frequent transit service from the Westfield Montgomery Mall Transit Center to either the White Flint or Grosvenor-Strathmore Metrorail stations, pending recommendations of the Transitway study.

The master-planned ten-foot separated bike lane and four-foot median will be provided between I-270 and Rockledge Drive.

Phase 1A continues bikeway improvements west of the Property, along Westlake Terrace, to provide a connection with the proposed bikeway associated with the approved, but unbuilt, Westfield Montgomery Mall redevelopment. The Applicant proposes to transition the bidirectional separated bicycle lanes into the twelve-foot sidepath approved along the Westfield Montgomery Mall frontage, facilitating bicyclist circulation. As part of the restriping of Westlake Terrace and Fernwood Road, the lane markings on the bridge over I-270 will be restriped to accommodate the separated ten-foot bidirectional bike lanes with a four-foot raised buffer, transitioning to the twelve-foot sidepath at the Motor City Drive – Westlake Terrace intersection. The improvements proposed for Westlake Terrace will occur as part of this first phase of the Applicant's overall development program.

Fernwood Road: Fernwood Road is designated as a Business Street with planned Bus Rapid Transit, B-2, with a recommended 80-foot right-of-way from Rockledge Drive to Rock Spring Drive. In order to accommodate the planned North Bethesda Transitway, a 40-foot transit easement is planned along the northern frontage of the right-of-way. The existing right-of-way varies in width along the Property frontage and the Applicant will dedicate right-of-way to meet a consistent 80' along the entirety of the Fernwood Road frontage. In accordance with the Parking Lots to Places: White Flint and Rock Spring Design Guidelines, the Applicant proposes to construct a ten-foot separated bike lane protected by a four-foot median. This segment of the Fernwood Road frontage has a six-foot planting strip between the bikeway and seven-foot sidewalk, to facilitate the planting of street trees.

From Rock Spring Drive to the existing ingress along the Camalier property to the south of the Subject Property, the Applicant proposes to maintain the existing six-foot sidewalk as a means to avoid cutting down existing mature trees along the property frontage. Given the priority of protecting the mature tree canopy, wherever feasible, and the commitment of the Applicant to install a protected bidirectional bikeway, people walking along this segment of Fernwood Road would have more than 14-feet of separation from moving vehicles. The Applicant proposes to repurpose space currently utilized by a deceleration lane that ties into the driveway entrance into the Camalier property. Furthermore, this segment of Fernwood Road is adjacent to the proposed Park which will tie directly to the public right-of-way. Pathways emanating from the sidewalk along Fernwood Road will meander through the Park will encourage and facilitate all users to the open space area while also preserving the existing mature tree canopy in the Park.

This segment of Fernwood Road is identified as a Business Street (B-2) with a recommended 80-foot right-of-way in the 2017 *Rock Spring Sector Plan* area.

Finally, the Applicant will extend the bikeway route southwards from the Camalier property entrance to the Fernwood Road and Democracy Boulevard intersection. As aforementioned, the two-way separated bicycle lanes will transition into an off-street ten-

foot sidepath south of the Subject Property, to the intersection. Due to existing constraints along the Camalier property frontage as a result of the channelized right turn lane at the Democracy Boulevard intersection, steep slopes along the berm, and mature canopy trees, expansion of the existing six-foot sidewalk into a ten-foot sidepath was determined by the Planning Board to be the most practical interim solution. However, the Applicant will place concrete barriers within the Fernwood Road gutter pan as a temporary form of separation due to the limited right-of-way available to construct a street buffer. The ten-foot sidepath with concrete barriers will then transition into the existing six-foot sidewalk as an interim design before implementation of separated bicycle lanes along Fernwood Road and the extension of the Democracy Boulevard sidepath occur as part of a future redevelopment or capital project.

The road diet and lane reconfiguration of Westlake Terrace/Fernwood Road as part of this site plan will implement a core goal of the *Rock Spring Sector Plan* by utilizing a mixture of separated bicycle lanes and interim sidepaths for the movement of existing and future residents of the Rock Spring community.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The approval of Preliminary Plan No. 120210040 established that the proposed development will be served by adequate public services and facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Phase 1A buildings, which are the tallest within the overall CCRC Project, are strategically placed close to the western boundary of the Property, distanced from the existing Montgomery Row Townhomes. The buildings are of a scale and density that is consistent with the existing office buildings in the area and the residential developments on nearby Westlake Terrace (the approved, but unbuilt Ourisman Ford project and the Westfield Montgomery Mall mixed-use development). The CCRC use will complement the evolution of the Rock Spring area from a commercial office park to a mixed-use community.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 MAR 10 2022 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion at its regular meeting held on Thursday, January 27, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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