

**ROCK SPRING CENTRE
PRELIMINARY PLAN AMENDMENT NO. 11998092C
SITE PLAN AMENDMENT NOS.
82003036C, 82004017C, 82009003A**



Description

Request to revise lots, parcels, and private roads for up to 1,049,900 square feet of non-residential density and up to 1,250 dwelling units; transfer unbuilt density between site plan approvals; and construct up to 133,100 square feet of retail uses and up to 614 dwelling units.

Nos. 11998092C, 82003036C,
82004017C, 82009003A
Completed: 1-13-2023

MCPB
Item No.
1-26-2023

Montgomery County
Planning Board
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LOCATION/ADDRESS

NW corner of the intersection of Old Georgetown Road and Rock Spring Drive

MASTER PLAN

Rock Spring Sector Plan

ZONE

CR-1.5, C-0.75, R-1.0, H-275 and CR-1.5, C-0.75, R-0.75, H-275 (reviewed under prior MXPDP Zone)

PROPERTY SIZE

53.4-acre gross tract area

APPLICANT

Floyd E. Davis Company, Rock Spring Properties

ACCEPTANCE DATE

March 27, 2019 (Preliminary Plan Amendment)
July 1, 2020 (Site Plan Amendment)

REVIEW BASIS

Chapters 50, 59 (in effect on October 29, 2014)



Summary:

- Staff recommends approval with conditions of the Preliminary Plan Amendment and three Site Plan Amendment applications.
- Pursuant to Section 59.7.7.1.B.3 of the Zoning Ordinance, the Amendment Applications were reviewed under the standards and procedures of the MXPDP Zone in the Zoning Ordinance in effect on October 29, 2014.
- Staff recommends approval of an extension of the Adequate Public Facilities (APF) validity period and a request to abandon a parcel (Parcel M) that was previously dedicated to the Department of Recreation, but never used by the public.
- The Site Plan Amendments include a transfer of unbuilt residential density between site plan approvals to allow construction of Phase 3, a mixed-use development with up to 133,100 square feet of retail uses and up to 614 dwelling units.
- The Final Forest Conservation Plan (FFCP) associated with Site Plan Amendment No. 82009003A supersedes the FFCPs previously approved with Site Plan Amendment Nos. 82003036B and 82004017B.
- Staff has received correspondence with concerns about the Application, which are addressed in this report.

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SECTION 1: EXECUTIVE SUMMARY

BACKGROUND

The Rock Spring Centre project was initiated in the mid-1990s when 53.4 acres of land were rezoned from the Residential High-Rise (RH) Zone to the Mixed Use Planned Development (MXPDP) Zone. A Preliminary Plan (No. 119980920) was approved in 1999 and amended twice to allow a mixed-use development consisting of office, retail, entertainment, and community center uses in addition to 1,250 multi-family dwelling units.

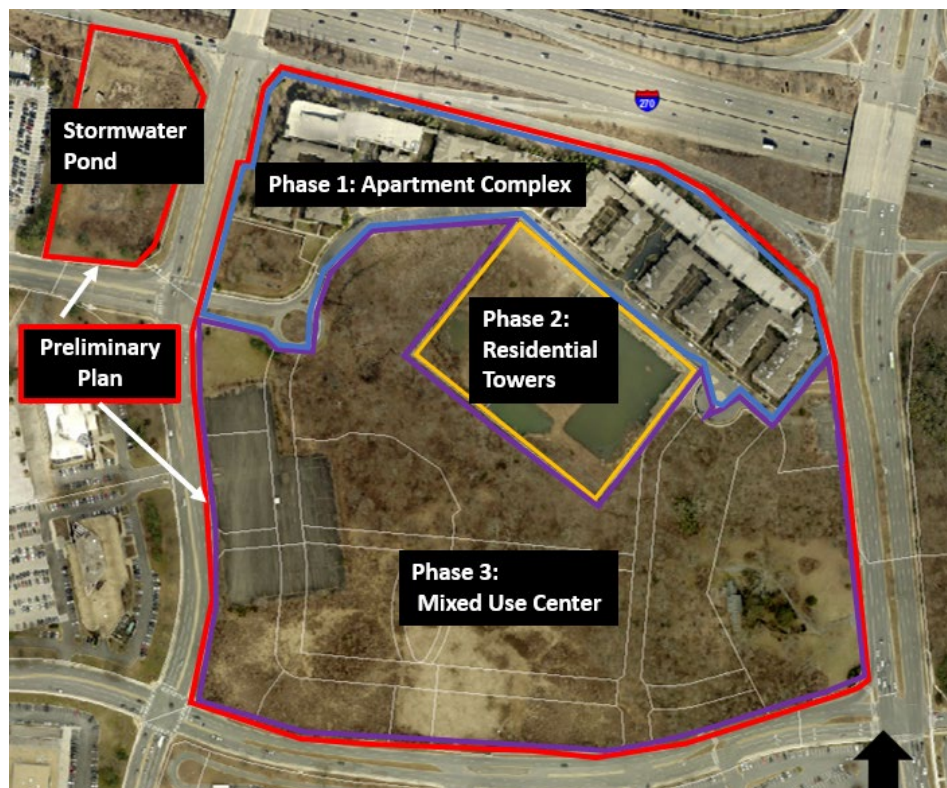


Figure 1: Rock Spring Centre Property (outlined in red) and Prior Approvals

Several site plans associated with the Preliminary Plan have been approved, although most of the site plan approvals have not been implemented. In 2000, the Planning Board approved a site plan (No. 820000350) for Phase 1 of the Project, a low-rise apartment complex with up to 390 dwelling units on the north side of the Property. To date, this apartment complex is the only development that has been constructed on the Property.

Phase 2 Site Plans approved in 2003 and 2004 (Nos. 82003036C and 820040170) allow construction of two residential towers just south of the Phase 1 apartment complex. The Phase 2 Site Plans have been subsequently amended and currently allow a total of 702 units between the two towers. Excavation began for one of the residential towers years ago, but the towers were never constructed.

A Phase 3 Site Plan (No. 82009003A) was approved in 2011, allowing a 30.17-acre mixed-use center on the southern portion of the Property with 210,000 square feet of retail, 90,000 square feet of retail/entertainment facilities, 549,900 square feet of office, a 200-room hotel, and 161 dwelling units. Phase 3 was platted per the 2011 Site Plan approval but the development has not moved forward.

CURRENT APPLICATIONS

The Applicant has submitted amendment applications for the Preliminary Plan (No. 11998092C), the Phase 2 Site Plans (Nos. 82003036C, 82004017C) for the residential towers, and the Phase 3 Site Plan (No. 82009003A) for the mixed-use development on the southern portion of the Property. Preliminary Plan Amendment No. 11998092C requests to reconfigure and consolidate lots and parcels on the southern portion of the Property to provide a grid of private streets. No changes to density are proposed with the Preliminary Plan Amendment, but the Site Plan Amendments propose a transfer of unbuilt residential density between site plan approvals. The Preliminary Plan Amendment also seeks an extension of the Adequate Public Facilities (APF) validity period for the Project. Staff supports the Applicant's APF validity extension request due to the Applicant's significant financial contributions towards infrastructure in support of the approved Preliminary Plan.

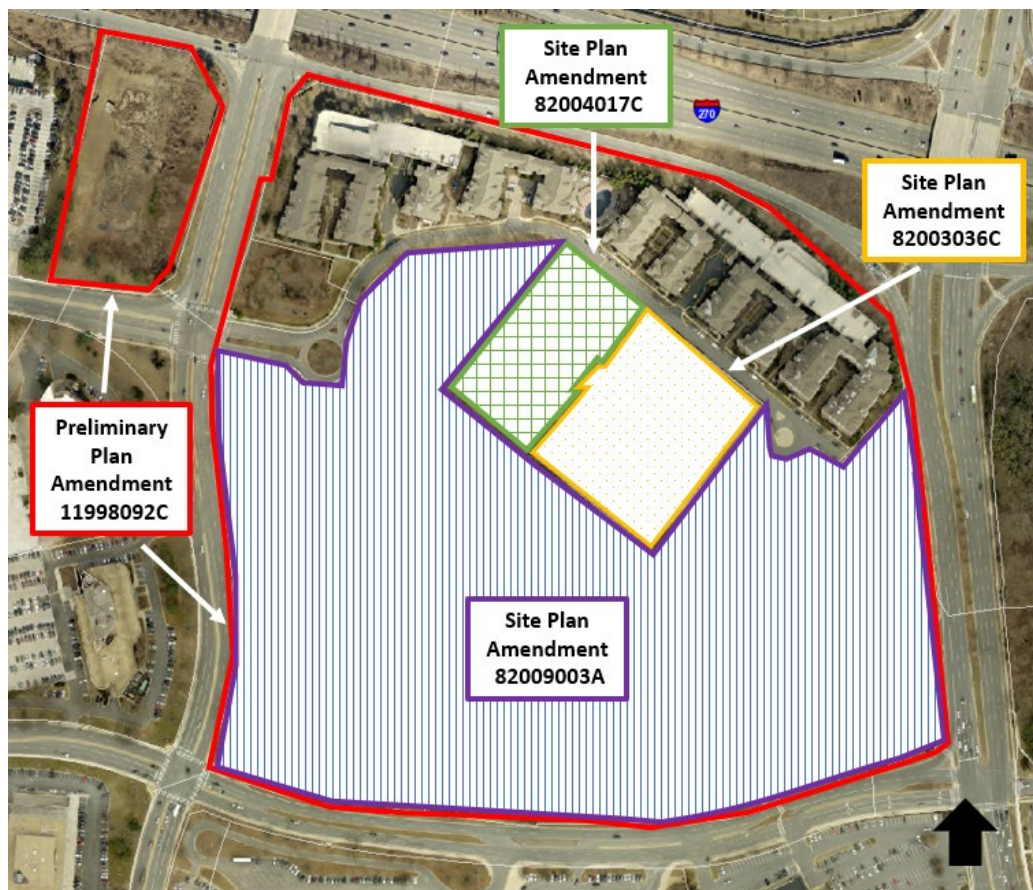


Figure 2: Subject Amendment Applications

The Phase 2 Residential Tower Site Plan Amendments (Nos. 82003036C, 82004017C) request a reduction in approved residential density, allowing the transfer of 453 approved, but unbuilt, dwelling units to the Phase 3 Mixed-Use Site Plan. No other changes to the Phase 2 Site Plans are proposed at this time.

Site Plan Amendment No. 82009003A divides the previously approved extent of the Phase 3 mixed-use center into two phases- Phases 3 and 4. Subsequent Site Plan(s) are required for future Phase 4.



Figure 3: Illustrative Site Plan 82009003A (Site Plan Area outlined in red, Phase 3 outlined in purple)

Proposed Phase 3 includes up to 133,100 square feet of retail uses and up to 614 dwelling units, including the 453 approved, unbuilt units transferred from Site Plan Amendment Nos. 82003036C and 82004017C. Phase 3 retains the central forest conservation area but reconfigures the previously approved buildings, private roads, and open spaces. The Phase 3/4 Site Plan Amendment features the following:

- a shopping center, two mixed-use buildings, and the relocation and renovation of the estate house;

- activation of the central Forest Conservation area with natural surface trails and other nature-based amenities;
- a 0.7-acre Urban Park adjacent to the central Forest Conservation area;
- a separated bike lane and sidewalk along Rock Spring Drive;
- an expanded, buffered sidewalk along Old Georgetown Road; and
- improvements to Cabin John Regional Park.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 11998092C

Staff recommends approval with conditions of the Preliminary Plan Amendment to reconfigure and combine previously approved lots, parcels, and private roads into 25 lots and parcels, for a maximum density of up to 1,250 multi-family dwelling units (including 386 existing units to be retained on Parcel 22), 549,900 square feet of office use, 210,000 square feet of retail use, a 200-room hotel, a 30,000 square foot community center, and 90,000 square feet of entertainment uses. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions, which supersede all previous conditions of approval.

GENERAL APPROVAL

1. This Preliminary Plan is limited to 25 lots and parcels for 1,250 multi-family dwelling units (including 386 existing units to be retained on Parcel 22), 549,900 square feet of office use, 210,000 square feet of retail use, a 200-room hotel, a 30,000 square foot community center, and 90,000 square feet of entertainment uses, private roads, open space, and stormwater management.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan is hereby extended and will remain valid as follows:
 - a) Within five (5) years of the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5) of this Preliminary Plan Amendment, the Applicant must obtain building permits for all buildings in Phase 3A, as shown on Certified Site Plan 82009003A, unless an extension is obtained.
 - b) Within seven (7) years of the initiation date of this Preliminary Plan Amendment, the Applicant must obtain building permits for all buildings in Phase 3B as shown on the Certified Site Plan 82009003A, unless an extension is obtained.
 - c) By November 25, 2033, the Applicant must obtain building permits for all remaining development in the Preliminary Plan. If the Applicant fails to comply with the deadline in this condition, the APF Preliminary Plan approval is revoked for that portion of the Subject Property that has not obtained building permits.

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for five years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 27, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided 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 recordation of any plat(s) for Phase 3 (Site Plan Amendment No. 82009003A), the Applicant must satisfy MCDOT’s requirements for access and improvements associated with the Phase 3 (Site Plan Amendment No. 82009003A) development. No bonding is required for Rockledge Drive improvements at this time, but improvements and the need for additional right-of-way dedication along Rockledge Drive will be determined at a future site plan.
6. Before the issuance of access permits for a particular phase, the Applicant must satisfy the Maryland State Highway Administration’s (MDOT SHA) requirements for access and improvements associated with that phase of development.
7. 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 18, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated December 17, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated September 19, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

10. The Applicant must comply with binding elements of County Council Resolution No. 13-865, approving Local Map Amendment No. G-713, amended by County Council Resolution No. 13-1442 approving Development Plan Amendment No. DPA 99-1, as may be amended.

FUTURE SITE PLAN APPROVAL REQUIRED

11. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82009003A, except for

work related to the relocation of the Estate House which may proceed early under a separate Sediment Control Permit that will allow for the house relocation and placement in its ultimate location. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths is determined through site plan review and approval.

12. If an approved 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 amendment.

PARKS

13. Before the issuance of the use and occupancy certificate for the 180th residential dwelling unit in Phase 3B, the Applicant must 1) contribute \$700,000, adjusted for inflation based on the Core CPI, for Field and Parking Lot Lighting improvements, or other athletic field capacity improvements as determined by the M-NCPPC Montgomery Parks Department (MCParks), at Cabin John Regional Park; or 2) furnish and install Field and Parking Lot lighting for one field and the existing parking lot pursuant to an MCParks Park Permit.
14. Before the final use and occupancy certificate for the first residential building in Phase 4, the Applicant must 1) contribute an additional \$700,000, adjusted for inflation based on the Core CPI, for Field and Parking Lot lighting improvements, or other athletic field capacity improvements as determined by MCParks, at Cabin John Regional Park; or 2) furnish and install lighting for one field and additional parking lot related lighting at Cabin John Regional Park pursuant to an MCParks Park Permit.
15. Before issuance of the final use and occupancy certificate for the second residential building in Phase 4, the Applicant must 1) make the final, third remaining \$700,000 contribution, adjusted for inflation based on the Core CPI, for Field and Parking Lot lighting improvements, or other athletic field capacity improvements as determined by MCParks, at Cabin John Regional Park; or 2) furnish and install lighting for one field at Cabin John Regional Park pursuant to an MCParks Park Permit.
16. If MCParks has installed the Field and Parking lot lighting improvements at Cabin John Regional Park prior to issuance of any of the Use and Occupancy Permits listed in Condition Nos. 13, 14 or 15, the Applicant must reimburse MCParks for the actual cost incurred for such improvements or make a contribution up to the amount required by Condition Nos. 13, 14, and 15, whichever is less, for other improvements at Cabin John Regional Park that increase athletic field capacity, as determined by MCParks, as required for each phase trigger listed in Condition Nos. 13, 14 and 15 above.

FOREST CONSERVATION

17. Before recordation of the plat and the start of any demolition, clearing, grading, or construction (except for work associated with the relocation of the existing Estate House), whichever comes first, for this development Application, the Applicant must record a Category I 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 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.

18. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling at least 83 caliper inches. Planting locations to be shown on the Final Forest Conservation Plan ("FFCP").
19. Applicant must submit a Final Forest Conservation Plan ("FFCP") for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Subject Property.
20. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.

TRANSPORTATION

Frontage Improvements

21. The Applicant must provide dedication and show on the record plat(s) all land necessary to accommodate eighty (80) feet from the centerline for Rock Spring Drive, in addition to the right-of-way required for the transit station as shown on the Preliminary Plan.
22. Before recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six-foot-wide sidewalk and a 10-foot-wide asphalt separated bike lane along the Property frontage on Rock Spring Drive.
23. The Rockledge Drive frontage improvements will be determined at the future Phase 4 Preliminary or Site Plan.
24. Before recordation of plats, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a 10-foot-wide sidewalk with a six-foot buffer along the Property frontage on Old Georgetown Road.
25. The Applicant must participate in the implementation of the Rock Spring Drive road diet. The extent and manner of participation will be determined by MCDOT and MCDPS – Right-of Way Permitting and Plan Review Section (RPP) before certification of any Site Plan associated with Phase 4 of the Subject Property.

Private Roads

26. The Applicant must provide all Private Roads shown on the Certified Site Plan including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a) If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.

- b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq. The Covenant includes, but is not limited to the following requirements/conditions:
 - i) The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
 - iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- c) Before issuance of the first building permit for a particular phase, (not including permits for work related to the relocation of the Estate House), the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the applicable Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

RECORD PLATS AND EASEMENTS

- 27. Record Plats may be recorded before Site Plan approval; however:
 - a. Replatting will be required if a subsequent Site Plan modifies a lot line; and
 - b. Before issuance of any building permit, the Applicant must obtain approval of a Certified Site Plan.
- 28. There shall be no clearing or grading of the site before recordation of plat(s), except for work related to the relocation of the Estate House.
- 29. The record plat must show necessary easements.

CERTIFIED PRELIMINARY PLAN

30. 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 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.

31. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Eliminate the curb cut along Rock Spring Drive into the parking garage on Parcel Q.
- c) On the west side of Stone Spring Street, north of Stone Gate Lane, show a minimum six-foot-wide sidewalk with a minimum two-foot-wide buffer, three-foot wide preferred.
- d) Change the “cycletrack” labels to “separated bike lane.”
- e) On Sheet PP-1, show the proposed dedication along Rock Spring Drive and update the tract area calculation.
- f) On Sheet PP-9, make the following changes to the Rock Spring Drive cross-sections:
 - i) On the top cross-section, replace “Interim Road- cross Section” with “Phase 3 cross section (no road diet).”
 - ii) Remove the middle cross section.
 - iii) On the bottom cross-section, replace “Ultimate Section with BRT no road diet” with “Conceptual Ultimate Section (Road diet/BRT in dedicated lanes).”
- g) Include a phasing exhibit that shows all phases.

32. Prior to certification of the Preliminary Plan Amendment, the Applicant must obtain any required approval for disposition or abandonment of Parcel M from the County Council or the Department of General Services.

SITE PLAN AMENDMENT NO. 82003036C

Staff recommends approval of Site Plan Amendment No. 82003036C to reduce the dwelling unit count from 351 to 125 and transfer the previously approved, but unbuilt, 226 units to Site Plan Amendment No. 82009003A. The development must comply with the binding elements of County Council Resolution No. 13-865, approving Local Map Amendment No. G-713, amended by County Council Resolution No. 13-1442 approving Development Plan Amendment No. DPA 99-1, as may be amended; and conditions of approval for Preliminary Plan No. 11998092C, approved concurrently with this Site Plan Amendment. All site development elements shown on the latest electronic version of the Site Plan, as of the date of the Staff Report submitted via ePlans to the M-NCPPC are required. Condition No. 4, below, is modified from prior conditions of approval and Condition Nos. 8 through 11 are additional conditions.¹ All other prior conditions remain in full force and effect.

Modified Condition

4. Moderately Priced Dwelling Units (MPDUs)

~~The proposed development shall provide 32 MPDUs on site in accordance with the Alternative Agreements between the Applicant and the Montgomery County Department of Housing and Community Affairs dated May 25, 2004, and January 11, 2005.~~

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated September 19, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which MCDHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide eighteen percent (18%) 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 unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

New Conditions

8. The Site Plan is limited to a maximum of up to 125 multi-family dwelling units.
9. Approval of a site plan amendment is required before the issuance of any building permit.
10. Remove all Forest Conservation Plan Sheets from Certified Site Plan 82003036C and indicate on the Sheet Index that the sheets have been removed.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

11. Add the following note to the cover sheet:

Forest Conservation Law Requirements met by FFCP SITE PLAN AMENDMENT NO. 82009003A.

SITE PLAN AMENDMENT NO. 82004017C

Staff recommends approval of Site Plan Amendment No. 82004017C to reduce the dwelling unit count from 352 to 125 and transfer the previously approved, but unbuilt, 227 units to Site Plan Amendment No. 82009003A. The development must comply with the binding elements of County Council Resolution No. 13-865, approving Local Map Amendment No. G-713, amended by County Council Resolution No. 13-1442 approving Development Plan Amendment No. DPA 99-1, as may be amended; and conditions of approval for Preliminary Plan No. 11998092C, approved concurrently with this Site Plan Amendment. All site development elements shown on the latest electronic version of the Site Plan, as of the date of the Staff Report submitted via ePlans to the M-NCPPC, are required. Condition No. 2, below, is modified from prior conditions of approval and Condition Nos. 6 through 9 are additional conditions. All other prior conditions remain in full force and effect.

Modified Condition

2. Moderately Priced Dwelling Units (MPDUs)

~~The proposed development shall provide 32 MPDUs on site in accordance with the Alternative Agreements between the applicant and the Montgomery County Department of Housing and Community Affairs dated May 25, 2004, and January 11, 2005.~~

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated September 19, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations provided 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 eighteen percent (18%)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 unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

New Conditions

6. The Site Plan is limited to a maximum of up to 125 multi-family dwelling units.
7. Approval of a site plan amendment is required prior to issuance of any building permit.
8. Remove all Forest Conservation Plan Sheets from Certified Site Plan 82004017C and indicate on the Sheet Index that the sheets have been removed.
9. Add the following note to the cover sheet:
Forest Conservation Law Requirements met by FFCP SITE PLAN AMENDMENT NO. 82009003A.

SITE PLAN AMENDMENT NO. 82009003A

Staff recommends approval of Site Plan Amendment No. 82009003A for the construction of a mixed-use project. All site development elements shown on the latest electronic version of the Site Plan, as of the date of the Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions, which supersede all prior conditions of approval.

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of up to 614 dwelling units in two multi-unit buildings, and up to 133,100 square feet of retail uses, including a pad site with a drive-thru lane (a restaurant with a drive-thru is prohibited).

2. Height

The development is limited to a maximum height of 80 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 September 19, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as provided 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 eighteen percent (18%) 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 unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OTHER APPROVALS

- 4. The development must comply with the binding elements of County Council Resolution No. 13-865, approving Local Map Amendment No. G-713, amended by County Council Resolution No. 13-1442 approving Development Plan Amendment No. DPA 99-1, as may be amended ; and conditions of approval for Preliminary Plan No. 11998092C, as may be amended.

OPEN SPACE, FACILITIES AND AMENITIES

5. Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 459,926 square feet of green area (53% of net lot area) on-site.

- b) Before issuance of a use and occupancy certificate for the 180th residential dwelling unit in Phase 3A, the Applicant must:
 - i) Obtain Planning Board approval of an amendment for Site Plan No. 820000350 to allow a 10,000 SF (minimum) publicly accessible, privately owned and maintained Dog Park on Parcel 15; and
 - ii) Construct all Phase 3A streetscape improvements.
- c) Before issuance of the use and occupancy certificate for the 180th residential dwelling unit in Phase 3B, the Applicant must:
 - i) Construct the Dog Park on Parcel 15 as approved in the Amendment to Site Plan No. 820000350;
 - ii) Complete construction and install all amenity features of the 0.7-acre Urban Park on Parcel T; and
 - iii) Complete the entirety of the plantings, trails and improvements within Parcel R, the six-acre Forest Preservation Area.

6. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to site furnishings and amenities in the Urban Park, landscaping, and all recreation amenities shown on the Recreation Plan.

8. Montgomery Parks

- a) Before issuance of a use and occupancy certificate for the 180th residential dwelling unit in Phase 3A, the Applicant must prepare a conceptual lighting design plan for three existing fields and the existing parking lot at Cabin John Regional Park and enter into an agreement with the M-NCPPC Parks Department for overall lighting and design and scope.
- b) Before issuance of the use and occupancy certificate for the 180th residential dwelling unit in Phase 3B, the Applicant must Contribute \$700,000, adjusted for inflation based on the Core CPI, for Field and Parking Lot Lighting improvements, or other athletic field capacity improvements as determined by the M-NCPPC Montgomery Parks Department (MCParks), at Cabin John Regional Park; or 2) furnish and install Field and Parking Lot lighting for one field and the existing parking lot pursuant to an MCParks Park Permit.
- c) Before issuance of the final use and occupancy certificate for the first residential building in Phase 4, the Applicant must 1) contribute an additional \$700,000, adjusted for inflation based on the Core CPI, for Field and Parking Lot lighting improvements, or other athletic field capacity improvements as determined by MCParks, at Cabin John Regional Park; or

- 2) furnish and install lighting for one field and additional parking lot related lighting at Cabin John Regional Park pursuant to an MCParks Park Permit.
- d) Before issuance of the final use and occupancy certificate for the second residential building in Phase 4, the Applicant must 1) make the final, third remaining \$700,000 contribution, adjusted for inflation based on the Core CPI, for Field and Parking Lot lighting improvements, or other athletic field capacity improvements as determined by MCParks, at Cabin John Regional Park; or 2) furnish and install lighting for one field at Cabin John Regional Park pursuant to an MCParks Park Permit.
- e) If MCParks has installed the Field and Parking lot lighting improvements at Cabin John Regional Park prior to issuance of any of the Use and Occupancy Permits listed in Condition Nos. 8b, 8c, or 8d the Applicant must reimburse MCParks for the actual cost incurred for such improvements or make a contribution up to the amount required by Condition Nos. 8b, 8c, or 8d, whichever is less, for other improvements at Cabin John Regional Park that increase athletic field capacity, as required for each phase trigger listed in Condition Nos. 8b, 8c, 8d or 8e.
9. The main body of the estate house will be relocated in connection with Phase 3A and will be stabilized and secured in its final location, as shown on the Site Plan. The ground around the estate house will be graded and restored with grass, and maintained in the interim, until full renovation occurs in connection with Phase 3B.

ENVIRONMENT

10. Forest Conservation

- a) The Final Forest Conservation Plan (FFCP) must be consistent with the Preliminary Forest Conservation Plan (PFCP).
- b) 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.
- c) The Applicant must comply with all tree protection and tree save measures shown on the Certified FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
- e) Before recordation of the plat and the start of any demolition, clearing, grading, or construction (other than work associated with the relocation of the existing estate house), whichever comes first, for this development Application, the Applicant must:
- i) Record a Category I 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 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.

- ii) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- iii) install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- iv) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.: All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
- v) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 1.54 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.
- vi) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Cabin John watershed to satisfy the reforestation requirement for a total of 4.17 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 watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
- f) The Applicant must install the Afforestation/Reforestation plantings within the Category I Conservation Easements (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.
- g) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling at least 83 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.

11. Noise Attenuation

- a) Before submittal of the CSP, the Applicant must submit for Staff approval a noise study showing transportation noise levels affecting residential units within 600 feet of Old Georgetown Road or within 300 feet of Rock Spring Drive. The report must include an exhibit identifying residential units affected by noise levels in excess of 65 dBA Ldn.
- b) Before the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) Before the final inspection for any residential units affected by excessive noise, 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) 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.
- e) For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers 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, 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.

12. 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 18, 2022, 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

13. 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 October 14, 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) If the Site Plan is amended for Phase 4, the Applicant must participate in the implementation of the Rock Spring Drive road diet. The extent and manner of participation will be determined by MCDOT and MCDPS – Right-of-Way Permitting and Plan Review Section (RPP) before certification of any Site Plan associated with Phase 4 of the Subject Property.

14. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and 5 short-term bicycle parking spaces for each residential building.
- b) The Applicant must provide 20 long-term and one short term bicycle parking space for the non-residential uses.
- c) The residential long-term bicycle parking spaces must be in a secured, well-lit bicycle room on the ground floor of each residential building or through bicycle room/cages in the residential parking garages. The non-residential long-term bicycle parking spaces must be in a secured, well-lit bicycle room or cage in the parking garage. The short-term spaces must be inverted-U racks (or approved equal) installed in locations convenient to the main entrances of the applicable building (weather protected preferred).
- d) The Applicant must provide one bicycle repair station for each residential building.
- e) The Applicant must provide the following master planned pedestrian and bicycle facilities, 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, or MDOT SHA, as applicable, before issuance of right-of-way permit:
 - i. Old Georgetown Road: 10-foot-wide sidewalk with six-foot-wide buffer from traffic.
 - ii. Rock Spring Drive: six-foot-wide sidewalk and 10-foot-wide separated bike lane.

15. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 17, 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 Site Plan approval.

SITE PLAN

16. 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.

17. Lighting

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

18. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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-D-3.5(d) 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, private roads and sidewalks, private utilities, paths and associated improvements of development, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

19. Development Program

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

20. 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 applicable agency approval letters, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Fire and Rescue Access plan must be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Eliminate the curb cut along Rock Spring Drive into the parking garage on Parcel Q.
- g) Provide detail regarding the location of the monumental sign proposed in the plaza at the intersection of Old Georgetown Road and Stone Gate Lane.
- h) On the west side of Stone Spring Street, north of Stone Gate Lane, show a minimum six-foot-wide sidewalk with a two-foot minimum buffer, three-foot wide preferred.
- i) Provide details on the metal screens used to conceal the garage along Rock Spring Drive on the ground floor, as well as the garage in Block N along Street B, and include a photographic example for these metal screens.
- j) Provide details on the architectural screening of pre-cast structured parking along Street B.
- k) Provide details on the architectural screening to conceal the transformers along Street B and include a photographic example for these architectural screens.
- l) Update the elevation drawings along Street B for Block N to show an extension of the metal canopy above the glass metal storefront across the length of the elevation, above the metal screen to better incorporate into the elevation of the book-end mass.

- m) Show illustrative locations of all short-term and long-term bicycle parking spaces, with final locations to be determined at time of building permit.
- n) On Sheet PP-1, work with Staff to clean up and clarify the footnotes associated with the development standards tables.
- o) Change the “cycletrack” labels to “separated bike lane.”
- p) Include motorcycle/scooter parking, car-share spaces, and spaces for charging electric vehicles as required by Section 6.2.3 of the current Zoning Ordinance.

21. Parcel M

Prior to certification of the Site Plan, the Applicant must obtain any required approval for disposition or abandonment of Parcel M from the County Council or the Department of General Services.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property is known as Rock Spring Centre (Subject Property or Property) and is located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive in the *Rock Spring Sector Plan* area. The Property is generally bounded by the I-270 interchange to the north, Old Georgetown Road to the east, Rock Spring Drive to the south, and Rockledge Drive to the west. Surrounding properties across Rockledge Drive to the west are developed with office buildings. Across Rock Spring Drive to the south is Walter Johnson High School and the Georgetown Square Shopping Center. Across Old Georgetown Road to the east is a neighborhood of detached residential houses. The Property has access to major transportation networks and proximity to other commercial centers.



Figure 4: Vicinity Map

PROPERTY DESCRIPTION

The Subject Property consists of 33 recorded parcels, which together comprise 50.54 acres. The tract originally consisted of 53.4 acres but was reduced by previous right-of-way dedication. The majority of the Property is within the CR-1.5, C-0.75, R-1.0, H-275 Zone, with a smaller parcel west of Rockledge Boulevard within the CR-1.5, C-0.75, R-0.75, H-275 Zone, however, Amendments discussed in this Staff Report are subject to the former MXPD Zone in accordance with Section 59.7.7.1.B.3 of the Zoning Ordinance.

The Property's topography reflects slopes generally ranging between 2 to 10%, although there are some areas having slopes of 15% or greater. Open fields are located in the southwestern portion of the Property and an intermittent stream and stream valley corridor runs diagonally through the central portion of the Property. The stream valley includes wetlands and some large trees, many of which have diameters of 30 inches or more. There are several other mature groves of trees to the south and west of the stream valley. An approximately 6.08-acre Forest Conservation Easement is located in the center of the Property and encompasses the stream and stream valley buffer.



Figure 5: Subject Property (outlined in red) subdivided per previously approved Preliminary Plan Amendment

The northern portion of the Property is developed with a 386-unit apartment complex in six, four-story buildings as part of the Avalon Bay Site Plan (No. 82000034A) ². The portion of the Property located west of Rockledge Drive is a stormwater management pond that serves the Avalon Bay Site Plan. The vacant Davis Camalier Estate house is located on the southeastern quadrant of the Property, and a surface parking lot occupies a portion of the Property along Rockledge Drive. On Parcel 20, the foundation for a large apartment tower which has not been completed is filled with water and surrounded by fencing. The remainder of the Property is generally undeveloped.

There are three existing vehicular access points to the Property. Rock Forest Drive provides vehicular and pedestrian access to the Avalon Bay apartments from Rockledge Boulevard. A driveway along Old Georgetown Road allows access to the existing estate house, and the parking lot is accessible from Rockledge Drive. The Property is encumbered by an approximately 40-foot-wide transit easement along the Rock Spring Drive frontage.

² The Apartment complex is now called The Montgomery Apartments.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

LOCAL MAP AMENDMENT/REZONING

On April 29, 1997, the District Council approved Local Map Amendment (LMA) No. G-713 (Resolution No 13-865) to rezone the Property from the Residential High-Rise Zone (R-H) to the Mixed Use Planned Development (MXPD) Zone allowing up to 1,355,000 square feet of non-residential uses and 1,250 multi-family dwelling units. The LMA approval incorporated 25 site-specific development guidelines from the 1992 *Amendment to the North Bethesda-Garrett Park Master Plan* as binding elements (Attachment H).

On September 29, 1998, the District Council approved Development Plan Amendment No. DPA 99-1 (Resolution No. 13-1442) to include a phasing plan, with required infrastructure and development for each phase.

PRELIMINARY PLAN

On May 27, 1999, the Planning Board approved with conditions Preliminary Plan No. 119980920 (Resolution dated October 25, 1999) for 637,200 SF of office, 220,000 SF of retail, 90,000 SF of entertainment use, a 30,000 SF community center, and 1,250 multi-family dwelling units. (Note that the resolution counted the entertainment use and the community center as part of the retail, resulting in a total of 340,000 square feet of retail).

On September 23, 2004, the Planning Board approved with conditions Preliminary Plan Amendment No. 11998092A (Resolution dated November 9, 2004) to add a 200-room hotel and reduce the general office space to 539,900 SF (incorrectly stated as 537,900 square feet in the resolution.)

On February 17, 2011, the Planning Board approved, with conditions, Preliminary Plan Amendment No. 11998092B (Resolution MCPB 11-15, dated March 30, 2011), to reconfigure unrecorded lot lines, to confirm approval of 549,900 square feet of office, 210,000 square feet of retail and 90,000 square feet of entertainment uses, 200,000 square feet of hotel uses containing up to 200 rooms, 1,250 residential units and a 30,000 square foot community center.

During the review of Preliminary Plan Amendment No. 11998092B, the Montgomery County Department of Recreation indicated that they no longer wished the Applicant to construct the previously approved 30,000 square foot community center. The community center remained a component of the project with the acknowledgement that it was not proposed to be built at that time. In lieu of the community center, Preliminary Plan Amendment No. 11998092B required the dedication of the 0.57-acre Parcel M for recreational uses. Parcel M has never been used by the public and the Recreation Department has since indicated that they do not intend to use it. The Property was platted

in accordance with Preliminary Plan Amendment No. 11998092B (Figure 6). The Adequate Public Facilities (APF) validity associated with the most recently approved Preliminary Plan Amendment (No. 11998092B) had an expiration date of November 25, 2013. However, the Montgomery County Council passed a series of automatic extensions to APF validity periods beginning in 2009 that extended the APF validity period until November 25, 2021. A summary of the APF validity history for this project is provided in Table 1.

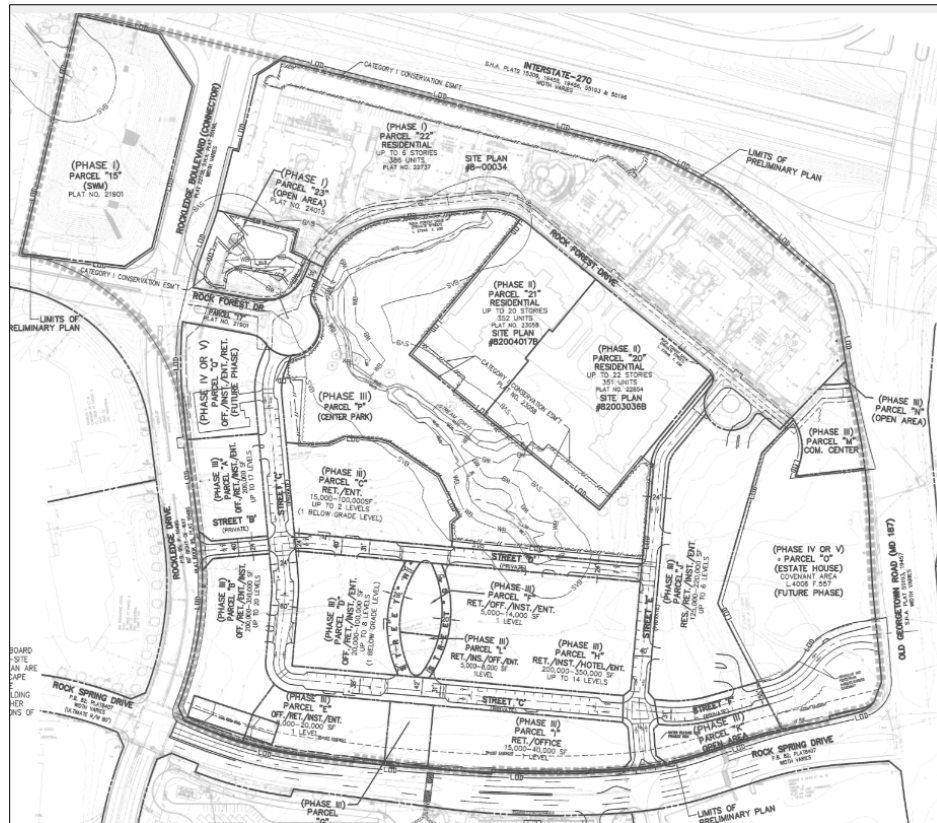


Figure 6: Approved Preliminary Plan Amendment No. 11998092B

Table 1 - APF Validity Period

Plan/SRA Number	Effective Date	Action Type	Expiration of APF Validity
119980920	10/25/1999	Preliminary Plan	11/25/2011 ¹
11998092A	11/9/2004	Preliminary Plan Amendment	
SRA No. 09-01	4/1/2009	Legislation ²	11/25/2013
11998092B	3/30/2011	Preliminary Plan Amendment	
SRA No. 11-01	4/1/2011	Legislation ²	11/25/2015
SRA No. 13-01	4/1/2013	Legislation ²	11/25/2017
SRA No. 15-01	4/1/2015	Legislation ²	11/25/2019
SRA No. 20-01	7/28/2020	Legislation ²	11/25/2021
¹ 12-year APF validity under Section 4.3.J.5.c of the Subdivision Regulations.			
² 2-year extension of APF validity period by County Council			

SITE PLANS

Avalon Bay

On June 1, 2000, the Planning Board approved with conditions Site Plan No. 820000350, Rock Spring Park Infrastructure (Resolution dated June 6, 2000) for a storm water management pond.

On August 3, 2000, the Planning Board approved with conditions Site Plan No. 820000340, Avalon Bay (Resolution dated August 8, 2000) for a maximum of 390 multi-family dwelling units, including 71 MPDUs.

On February 17, 2011, the Planning Board approved as a Consent Item, Site Plan Amendment No. 82000034A to reduce the number of approved units by four and modify the cul-de-sac on Rock Forest Drive. The units were reallocated to the development associated with Site Plan No. 820090030.

The apartment complex is constructed and is now known as The Montgomery Apartments.

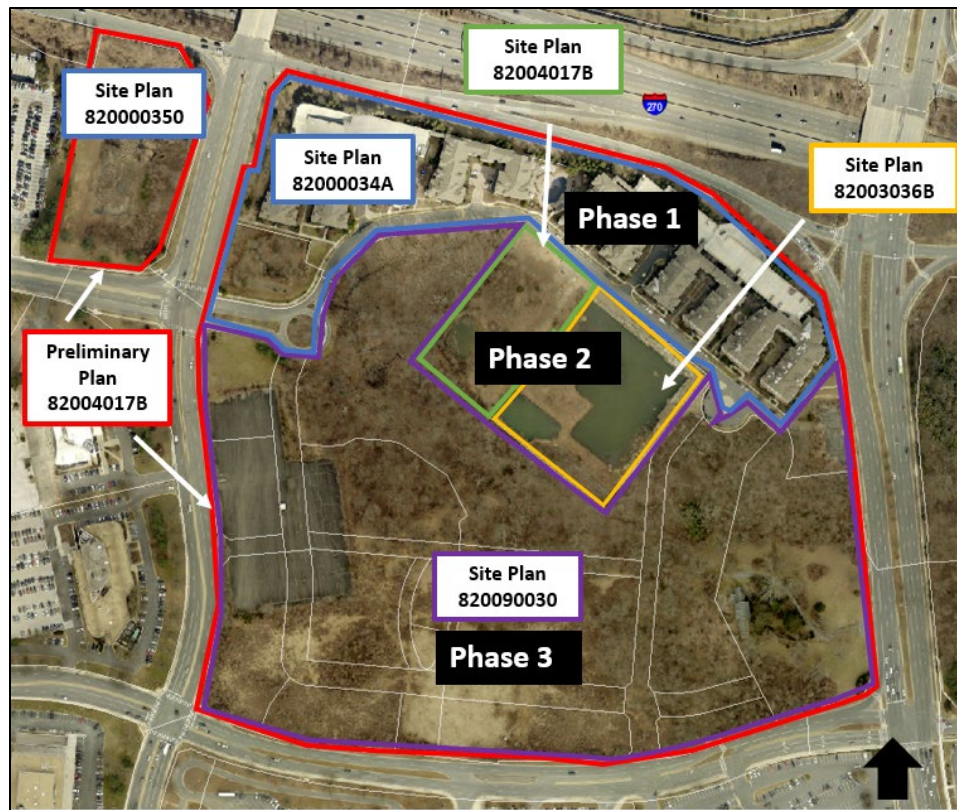


Figure 7: Regulatory Approval History

Residential Towers

On November 20, 2003, the Planning Board approved with conditions Site Plan No. 820030360, Rock Spring Centre – Residential Tower I (Resolution dated January 8, 2004) for a maximum of 351 multi-family dwelling units, including 63 MPDUs.

Site Plan Amendment No. 82003036A was approved administratively to reduce the number of dwelling units to 217, including 32 MPDUs.

On October 12, 2006, the Planning Board approved with conditions Site Plan Amendment No. 82003036B (MCPB Resolution No. 06-99, dated November 30, 2006) for a 19-story residential building containing 351 apartments, including 32 MPDUs, and a clubhouse.

On February 26, 2004, the Planning Board approved with conditions Site Plan No. 820040170, Rock Spring Centre – Residential Tower II (Resolution dated March 1, 2004) for a 19-story, 352-unit, high-rise residential building, including 32 MPDUs.

On June 15, 2006, the Planning Board approved with conditions Site Plan Amendment No. 82004017A (MCPB Resolution No. 06-23, dated October 13, 2006) to reduce the number of dwelling units to 217, increase the number of stories to 20, and relocate the required MPDUs to a different phase of the site.

On October 12, 2006, the Planning Board approved with conditions Site Plan Amendment No. 82004017B (MCPB Resolution No. 06-100, dated November 30, 2006) to increase the number of dwelling units to 352, including 32 MPDUs.

Canyon Ranch

On June 9, 2005, the Planning Board approved with conditions Site Plan No. 820050310 (Resolution dated February 2, 2006) for a 157-room hotel, a 90,000 SF wellness center (Canyon Ranch), and an 87-unit multi-family dwelling high-rise building, and a parking waiver. This approval was abandoned in favor of the development that is part of the current approved Site Plan No. 820090030 known as “Rock Spring Centre.”

Rock Spring Centre

On February 17, 2011, the Planning Board approved with conditions, Site Plan No. 820090030 (Resolution dated March 30, 2011) for a mixed-use development with 210,000 square feet of retail and 90,000 square feet of retail/entertainment facilities, 549,900 square feet of office, a 200-room hotel, and 161 residential dwelling units (including 44 MPDUs). Figure 8 shows an illustrative site plan of the site plan approval.



Figure 8: Approved Site Plan 820090030 (Illustrative)

PROPOSAL

The Applicant proposes to amend the Preliminary Plan and three Site Plans. Preliminary Plan Amendment No. 11998092C encompasses the entire Property (outlined in red in Figure 9). Site Plan

Rock Spring Centre 11998092C, 82003036C, 82004017C, 82009003A 32

Amendment No. 82003036C applies to the 3.09-acre Parcel 20 and Site Plan Amendment No. 82004017C applies to the 1.96-acre Parcel 21. The remainder of the Property, approximately 30.64 acres, is subject to Site Plan Amendment No.82009003A.

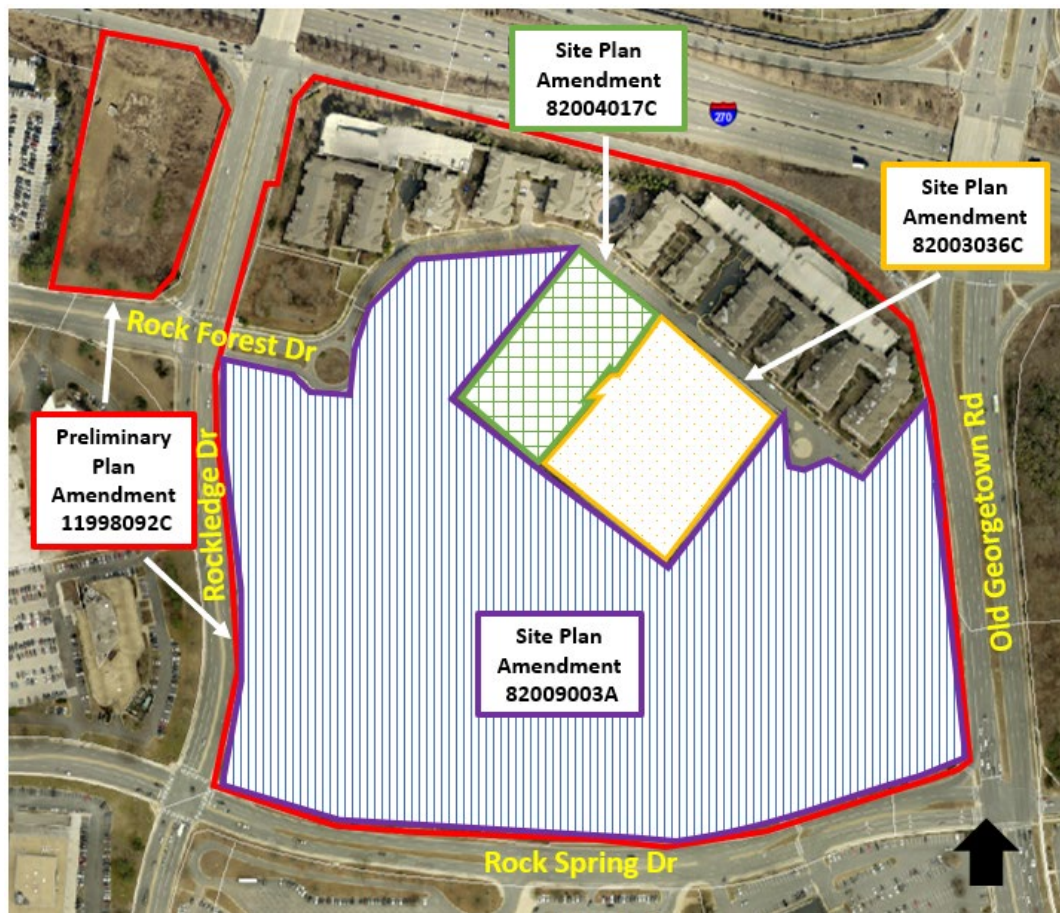


Figure 9: Subject Applications

PRELIMINARY PLAN AMENDMENT 11998092C

The Preliminary Plan Amendment applies to the entire Property and proposes realignment of lots, parcels, and private roads; modification of access points; and general adjustments to the Preliminary Plan to respond to market conditions (Overall Project). The lots and parcels north and west of Rock Forest Drive generally remain unchanged, while the Amendment reconfigures the lots and parcels south of Rock Forest Drive.

The land uses remain as previously approved and include 549,900 square feet of office, 210,000 square feet of retail and 90,000 square feet of retail/entertainment uses, 200,000 square feet of hotel uses containing up to 200 rooms, a 30,000 square foot community center, and 1,250 residential units (including 386 existing units at The Montgomery Apartments to be retained on Parcel 22).

The Applicant proposes to reclaim the 0.57-acre Parcel M that was dedicated by the County as required by Preliminary Plan 11998092B because the Montgomery County Department of Recreation has since concluded that this Parcel is no longer needed.

The Preliminary Plan Amendment includes a request for a 12-year extension of the Adequate Public Facilities (APF) validity period and a new Preliminary Plan validity period, which are discussed in the Preliminary Plan findings section of this report.

Transportation

Proposed vehicular access to the Property is provided along three of the four Property frontages (Figure 11). One vehicular access point is proposed from Old Georgetown Road with a restricted, right-in, right-out driveway (the existing driveway to the Estate house will be removed). Rock Spring Drive has four total proposed vehicular access points; two of these are full movement intersections, and two are restricted right-in, right-out access. A proposed traffic signal will be installed at the intersection of Rock Spring Drive and Stone Spring Street to facilitate vehicle and pedestrian movements across Rock Spring Drive.

The easternmost proposed driveway on Rock Spring Drive provides access into the parking garage on Parcel Q. Staff recommends removal of this driveway as further discussed on page 40. Rockledge Drive includes two proposed access points in addition to the retention of the existing full movement access onto Rock Forest Drive. The intersection of Rockledge Drive and Stone Gate Lane is proposed as restricted right-in, right-out access while the access from Rockledge Drive onto Street A is proposed as full movement.

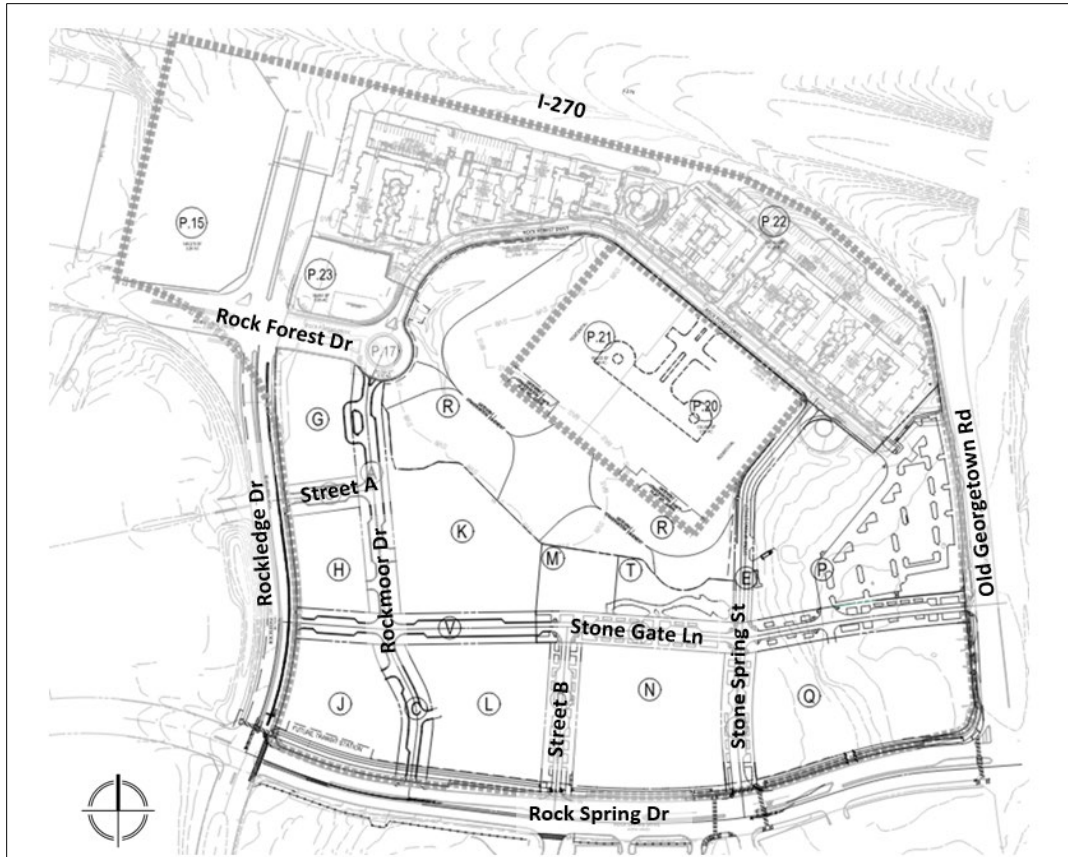


Figure 10: Preliminary Plan Amendment Lotting Plan

Internally, a grid of private roads provides access to the individual buildings and allows for efficient circulation throughout the Property. Existing Rock Forest Drive, which provides access to the Avalon Bay apartments on the northern end of the Property, will be connected to the proposed private roads as part of an internal loop road. Private roads already have been approved by the Planning Board and MCDOT as part of the prior Preliminary Plan Amendment. Parking will be provided where possible along the private roads.

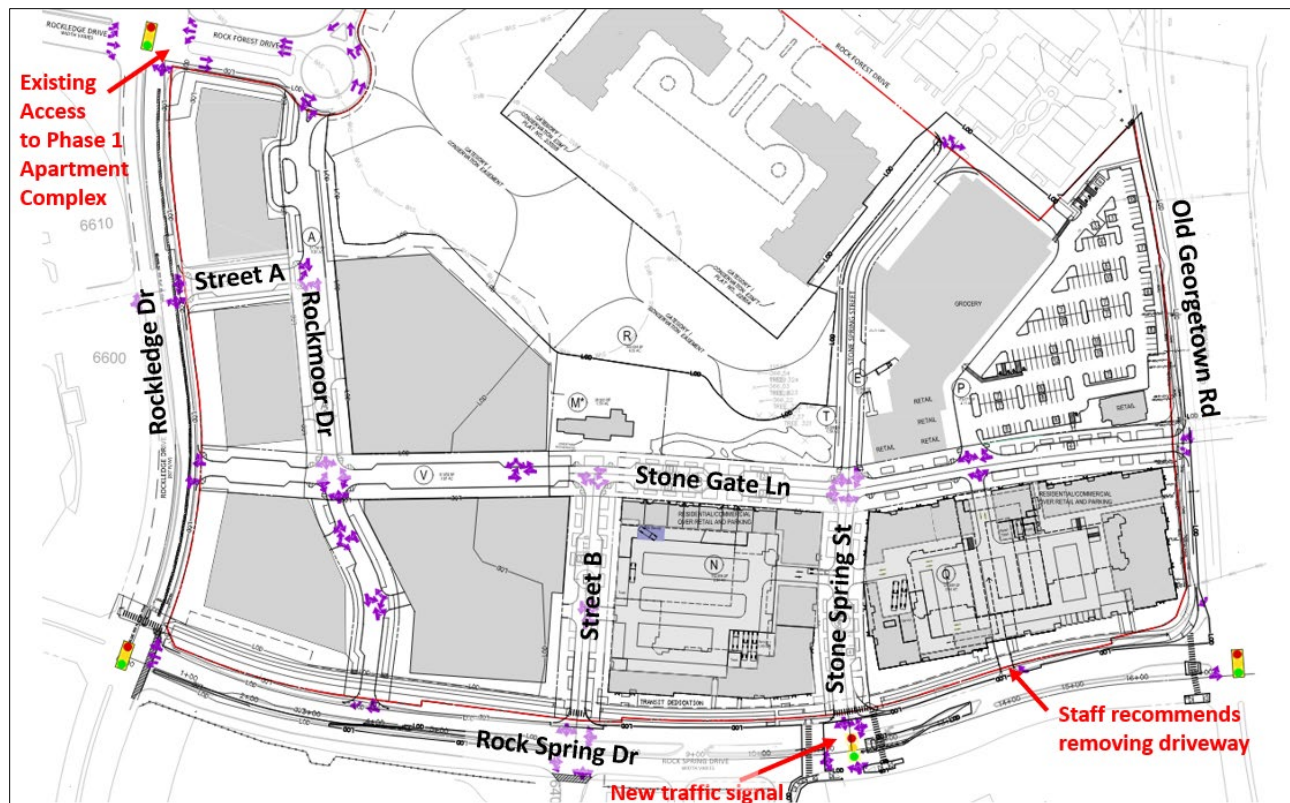


Figure 11: Vehicle Circulation

Pedestrian and bicycle access to the Property will be accommodated via a new/upgraded sidewalk and bicycle network. Along the Rock Spring Drive frontage, a new six-foot sidewalk and 10-foot-wide separated bike lane will be provided. A six-foot sidewalk and a buffered 6.5-foot separated bike lane is proposed along the Rockledge Drive frontage, and an upgraded 10-foot-wide sidewalk with a six-foot wide buffer is proposed along Old Georgetown Road. Buffered sidewalks are included on all new private roads.

In addition to the vehicular access points, pedestrians will be able to access the Property at the existing signalized intersections of Rockledge Drive/Rock Spring Drive and Rock Spring Drive/Old Georgetown Road and at the proposed signalized intersection of Rock Spring Drive/Stone Spring Street. The proposed traffic light at the Rock Spring Drive/Stone Spring Street intersection provides a safe pedestrian crossing for students (and others) to access the new mixed-use development from Walter Johnson High School and the Georgetown Square Shopping Center.

The Preliminary Plan includes dedication of the existing 40-foot -wide transit easement along Rock Spring Drive for the North Bethesda Transitway and construction of new bike lanes and sidewalks along this frontage.

Open Space

The main area of open space in the Project runs diagonally across the center of the Property and overlaps with existing, mostly wooded, environmentally sensitive areas. There is an existing Category I Conservation Easement recorded over the majority of the central wooded area and the Applicant proposes modifications to the easement limits (with a net zero change in overall easement area) and proposed improvements that can be incorporated with minimal disturbance to the natural systems.

The Preliminary Plan application proposes abandonment of existing Parcel M (labeled on Figure 5), previously dedicated to the County for future recreational uses that the Recreation Department has indicated is not needed. The Applicant plans to reclaim Parcel M for the development of Phase 3. The Parcel with the Estate House is also being reclaimed by for the proposed development, with portions of the existing house preserved and recreated with the development of Phase 3.

SITE PLAN AMENDMENT NO. 82003036C

Site Plan Amendment No. 82003036C proposes to reduce the number of approved dwelling units from 351 to 125, making 226 units available for Site Plan Amendment 82009003A. No other changes are proposed at this time, and another site plan amendment will be required before a building permit can be issued.

SITE PLAN AMENDMENT NO. 82004017C

Site Plan Amendment No. 82004017C proposes to reduce the number of approved dwelling units from 352 to 125, making 227 units available for Site Plan Amendment 82009003A. No other changes are proposed at this time, and another site plan amendment will be required before a building permit can be issued.

SITE PLAN AMENDMENT NO. 82009003A

Site Plan Amendment No. 82009003A (Phase 3 Site Plan or Site Plan) requests approval to construct Phase 3 of the Overall Project in the southeastern quadrant of the Property. This Amendment completely supersedes the prior site plan approval and divides the previously approved Phase 3 into two separate phases (Phases 3 and 4). Phase 3 is also split into two subphases (3A and 3B). Phase 3 is a redesigned mixed-use development comprising 614 dwelling units, with 18% MPDUs, and 133,100 square feet of retail development on 19.41 acres. The remainder of the area encompassed by the Site Plan is for future development (Phase 4) that will require further regulatory approvals.



Figure 12: Illustrative Site Plan 82009003A (Site Plan Area outlined in red)

Buildings/Architecture

The Phase 3 Site Plan includes a shopping center, two mixed-use buildings, and the rehabilitated estate house.

Parcel P: Retail

The proposed shopping center, located on Parcel P, is anchored by a grocery store to the north, with additional in-line retail buildings located to the south. The in-line retail buildings are oriented to allow direct pedestrian access off of Stone Gate Lane and to help frame the internal streets. Proposed parking is located in a surface lot east of the shopping center and one level of structured parking below the grocery store. The surface parking lot will be comprehensively screened with evergreen trees and shrubs.

A stand-alone retail building with a drive-thru lane will be located in the southeast corner of the block. This retail building has been pulled up to the street, to help anchor the intersection of Old

Georgetown Road and Stone Gate Lane and create a gateway experience for those entering from this direction, with the drive-thru lane located internal to the site.



Figure 13: Parcel P Illustrative Plan



Figure 14: Grocery Store Elevation from Old Georgetown Road Facing West

The grocery anchor is situated on the northern portion of the block, with the front of the store internally facing the parking lot. The Applicant states that this orientation is necessary to ensure that this Project can attract and retain a quality grocery tenant, as the Project must still compete with nearby vehicular oriented shopping centers. To accommodate this orientation, the grocery store has been designed to provide visual interest on all four façades.

Taking advantage of the existing grades allows a floor of parking to be tucked under the grocer. The parking entrance is located at the northern end of the building and loading is located to the rear of the building.

Parcel Q Mixed-Use Building

The planned mixed-use building on Parcel Q will anchor the intersection of Old Georgetown Road and Rock Spring Drive. The proposed building is six-stories containing up to 312 dwelling units and up to 35,600 square feet of ground floor retail uses along Old Georgetown Road and Stone Gate Lane.

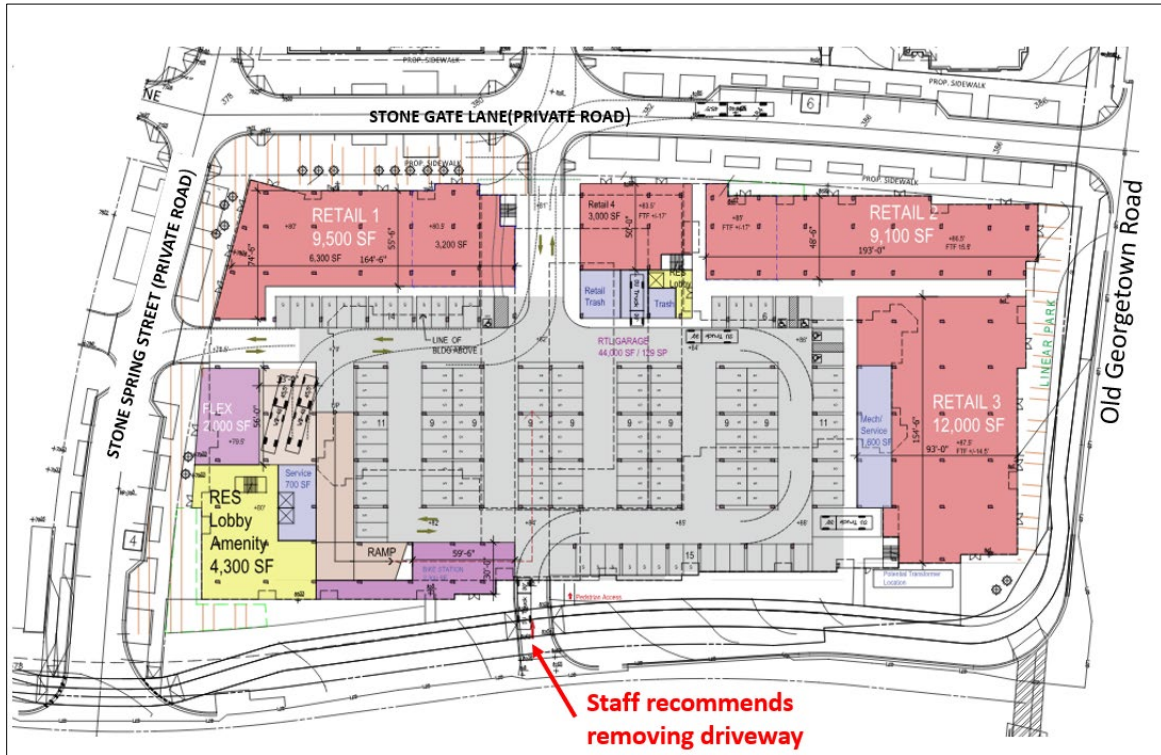


Figure 15: Parcel Q Mixed-Use Building, Ground Floor

Parking will be provided in a six-level garage, with five-stories in a semi-concealed structure above the podium. The parking garage will be wrapped on the ground floor by retail uses or residential amenity space on three of the four sides. Along Rock Spring Drive, at the ground level, the garage will be softened by appropriate architectural treatments that will be finalized at Certified Site Plan.

As currently shown on the Site Plan, the Parcel Q Building includes three vehicular entrances into the garage. Staff recommends a condition of approval requiring the Applicant to remove the driveway from Rock Spring Drive into the building. This driveway is close to the existing intersection of Rock Spring Drive and Old Georgetown Road, and the proposed intersection of Rock Spring Drive and Stone Spring Street. The driveway also crosses the sidewalk and bike lane along Rock Spring Drive and is not necessary to provide safe and efficient loading for the building. Loading for retail and residential uses is incorporated into the interior of the Parcel Q Building on the ground level.

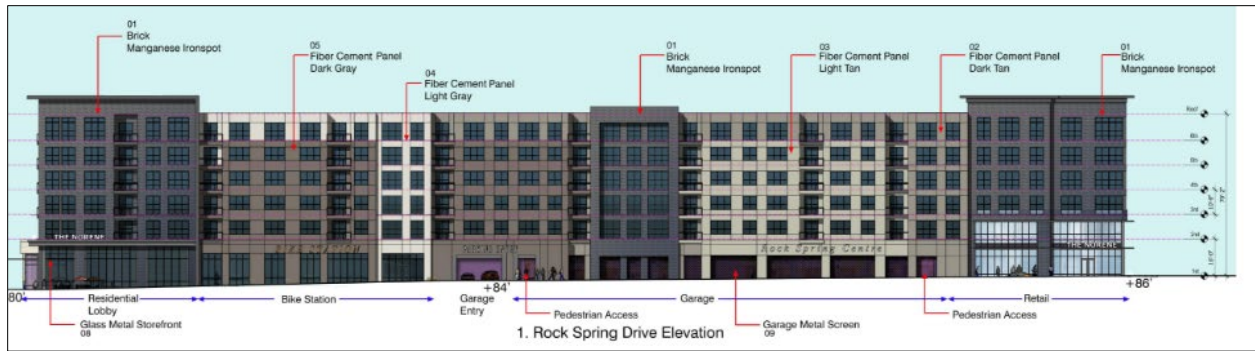


Figure 16: Parcel Q Building, Rock Spring Drive Elevation

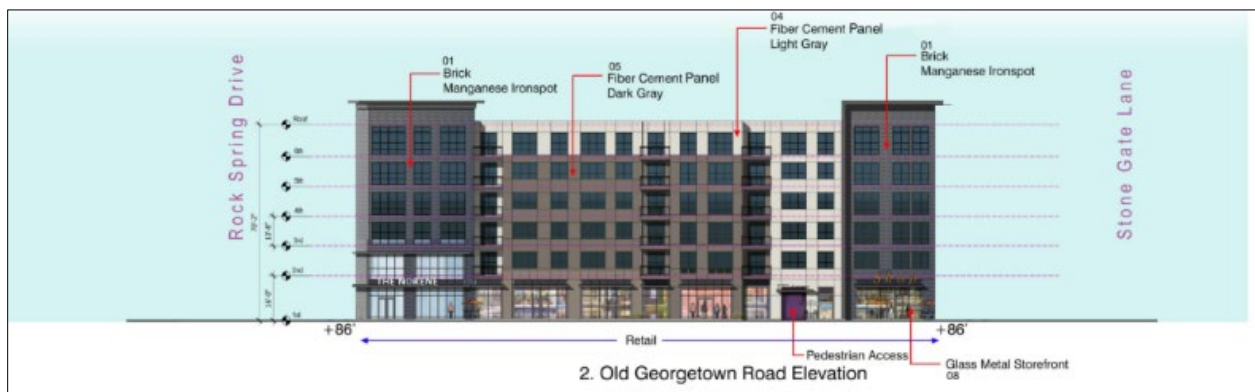


Figure 17: Parcel Q Building, Old Georgetown Road Elevation

Parcel N Mixed-Use Building

The proposed mixed-use building on Parcel N is seven stories, including up to 312 dwelling units³ and 20,900 square feet of ground floor retail uses. Six-stories of multi-family residential use will be constructed above the ground-floor podium. Ground floor retail uses are proposed along the block's Rock Spring Drive and Stone Spring Street frontage. Stone Gate Lane will be lined with residential loft units that will have direct pedestrian access from the street.

Parking will be provided in a six-story above-grade, semi-concealed parking structure (above podium) that will be wrapped by residential uses or architecturally treated. Access to Parcel N is provided through two vehicular access points – one along Street B and from Stone Spring Street.

³ The multi-unit buildings on Parcels N and Q may include up to 312 units in each building, but the combined total between the two buildings may not exceed 614 units.

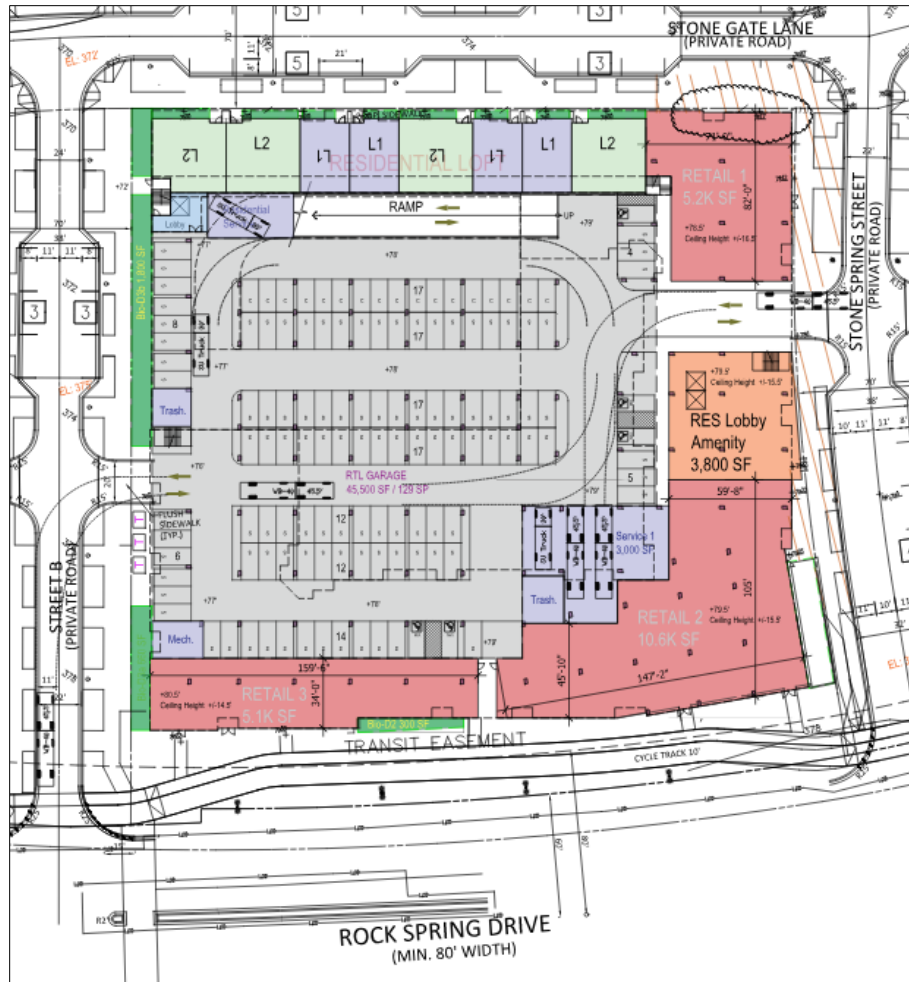


Figure 18: Parcel N Mixed-Use Building, Ground Floor Plan

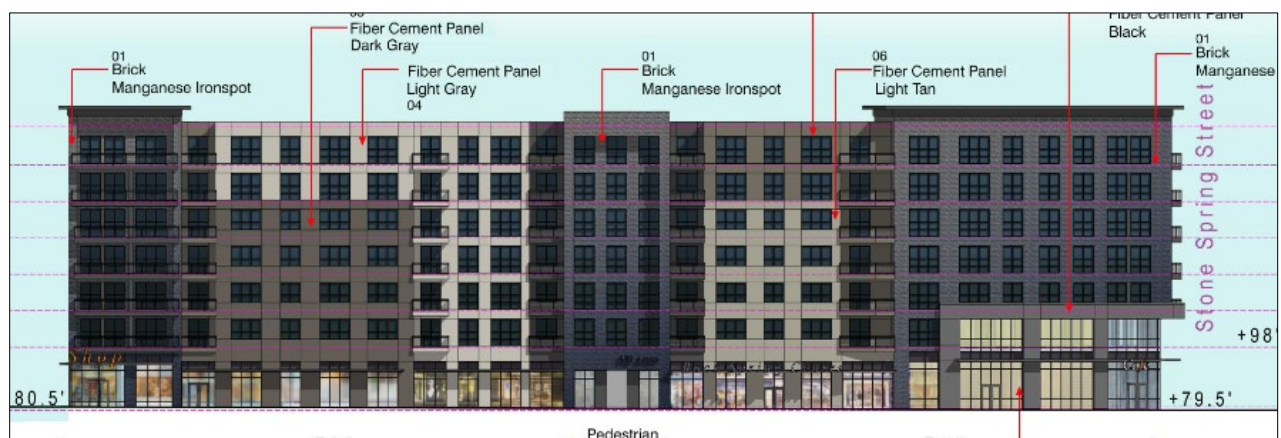


Figure 19: Parcel N Building Elevation View from Rock Forest Drive

Parcel M: Estate House

The Applicant is proposing to relocate and renovate the existing Estate House on Parcel M, a central location on the Property. Although the final use of the Estate House has not yet been determined, it may be developed as a build-to-suit retail or restaurant use.



Figure 20: Illustrative Elevation of Recreated Estate House

Open Space/Environment

The open space is centered around the forest conservation area in the center of the Property and the formerly running natural spring known as “Rock Spring,” from which the area gets its name. The main area of open space in the Project runs diagonally across the middle of the Property and overlaps with existing environmentally sensitive areas. This area is mostly wooded and is largely encumbered by an existing Category I Conservation Easement.

The Applicant proposes minor modifications to the boundaries of the forest conservation easement in the middle of the Property while retaining the same easement size. In addition, the Applicant plans enhancements to the forested area such as educational signage and nature trails, that can be incorporated with minimal disturbance to the natural systems. Such enhancements will allow the residents and visitors to fully engage with this large, protected community asset.

Directly adjacent to the forested area, the Applicant plans to provide an approximately 0.70-acre open space known as “Rock Spring Plaza.” The Rock Spring Plaza is made up of a series of interconnected spaces that allows for a variety of activities such as seating, space for special performances, interacting with water through an interactive water feature, and spaces to simply contemplate nature.

In conjunction with construction of Phase 3, the Applicant has agreed to provide additional amenities that will help satisfy the unmet recreational needs in the area. A 10,000 square foot dog park will be constructed adjacent to the existing Storm Water Management Pond on Parcel 15 (see Figure 5), after a portion of the pond that is not needed for stormwater management, is filled and stabilized. Parcel 15 is outside the boundary of the Subject Site Plan Amendment and will require an Amendment to Site Plan No. 820000350.

Additionally, to increase the capacity of playing fields in the area, the Applicant will design a lighting plan to illuminate three fields and a parking area at Cabin John Park. As construction of the Project progresses, the Applicant will either make a financial contribution to the Parks Department towards the improvements, or construct the proposed improvements pursuant to a Park Permit.

Access/Circulation

The Applicant proposes to provide a total of four vehicular access points with Phase 3. However, as discussed on page 40 of this report, Staff recommends the removal of the driveway access from Rock Spring Drive into the building on Parcel Q, which would result in a total of three access points provided with Phase 3. Right-in/right-out access is proposed from Old Georgetown Road. Two proposed intersections provide access from Rock Spring Drive including a full movement, signalized intersection at Stone Spring Street and a full movement intersection at Street B/Walter Johnson bus loop.

Phase 3 also includes a new six-foot-wide sidewalk, where none currently exists, along the Property's entire frontage on Rock Spring Drive, and an expanded, buffered sidewalk along Old Georgetown Road. The 10-foot- wide Rock Spring Drive separated bike lane will also be constructed during Phase 3.

The first phase of the Property's internal street grid of private roads will be constructed with Phase 3. The street grid provides vehicular and pedestrian circulation around the new development and provides a new connection between the Avalon Bay development and Rock Spring Drive.



Figure 21: Illustrative Open Space Concept

Phasing

Phase 3 will be implemented in two subphases as indicated in Figure 22. Phase 3A includes:

- the retail center on Parcel O
- the mixed-use building on Parcel Q
- the eastern portion of Rock Spring Plaza and the forest conservation area
- Old Georgetown Road frontage improvements
- Rock Spring Drive frontage improvements
- Relocation of the Estate House, which will be stabilized and secured in its final location

Phase 3B includes:

- the mixed-use building on Parcel N
- full renovation of the Estate House on Parcel M

- the balance of the Rock Spring Plaza open space

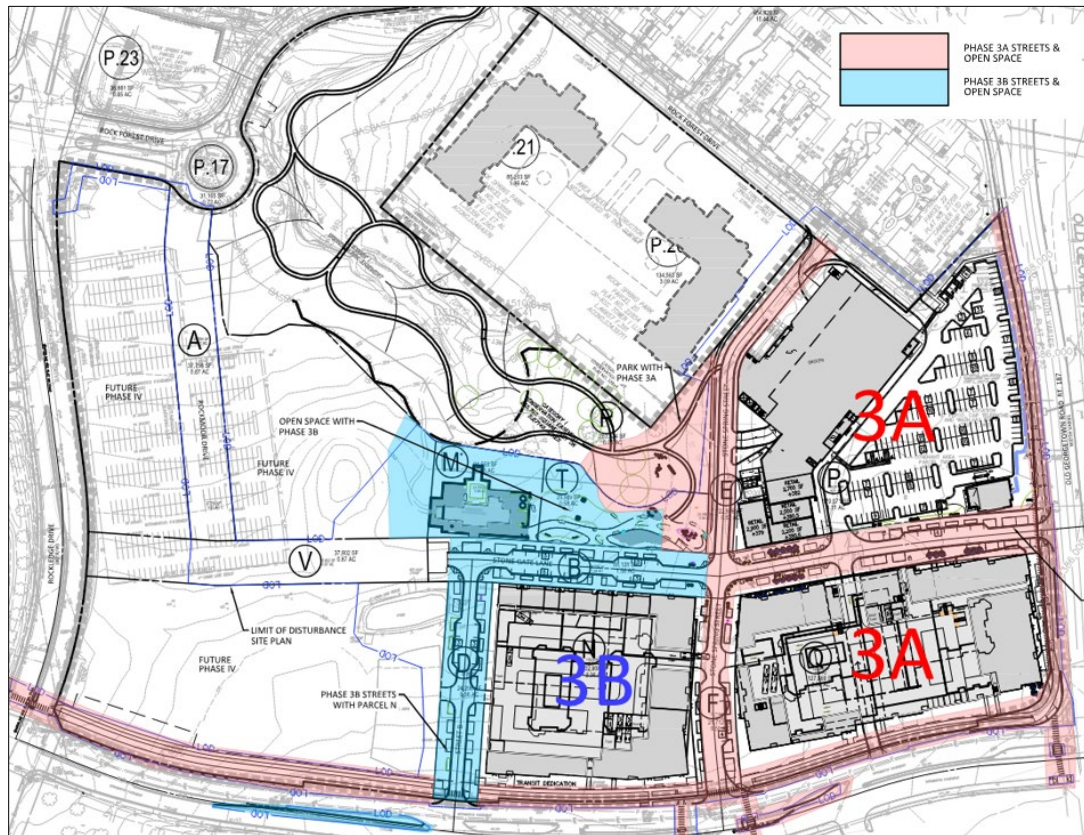


Figure 22: Phasing Plan (Future Phase 4 will require a Site Plan Amendment)

Phase 4 will require subsequent site plan(s) or a site plan amendment. In the future, the Applicant may submit site plan(s) under the CR Zone (the current zone) standards and 2014 Zoning Ordinance, rather than the MXPZD Zone under the Zoning Ordinance in effect on October 29, 2014. If the Applicant elects to proceed under the CR Zone, amenities constructed in association with previously approved site plans may be included in the Project's public benefit calculations, to be determined at the time of the future site plan.

SECTION 5: PRELIMINARY PLAN NO. 11998092C FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 11998092B, MCPB No. 11-15, to create 33 parcels on the Subject Property with conditions. Preliminary Plan Amendment 11998092C requests to reconfigure lots, parcels, and private roads to create 25 lots and parcels, for a maximum density of up to 1,250 multi-family dwelling units (including 386 existing units to be retained on Parcel 22), 549,900 square feet of office use, 210,000 square feet of retail use, a 200-room hotel, a 30,000 square foot community center, and 90,000 square feet of entertainment uses.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

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

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. The length, width, and shape of all blocks are compatible with existing development patterns and land use goals for the Property. The private roads will provide efficient circulation through the Property, and the design details will establish the character of the neighborhood. The proposed subdivision has been designed to emphasize walkability, sustainability, and efficient circulation.

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

The compact block design creates a logical grid pattern of internal streets on the southern portion of the Property and promotes the pedestrian realm throughout future phases of mixed-use development on the Property.

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

The lots allow a dense, mixed-used environment to evolve around the environmental features of the Property. The lot design allows most buildings to be pulled close to the street, enhancing the pedestrian realm and creating a place where people want to linger.

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

The Preliminary Plan retains, with slight modifications, the existing six-acre (approximately) forest conservation easement area in the middle of the Property and includes a 0.70-acre urban park. In addition, the Overall Project addresses local recreation needs by increasing capacity at local ball fields through the design and implementation of lighting improvements at Cabin John Park.

Dedication of the area previously held in a transit easement allows implementation of BRT along Rock Spring Drive. The Preliminary Plan also provides significant upgrades to pedestrian and bicycle mobility in the area with improvements along Property frontages on Rock Spring Drive, Old Georgetown Road and Rockledge Drive.

d) The Lots and Use comply with the basic requirements of Chapter 59

The proposed lots comply with the basic requirements of Chapter 59, from the Zoning Code in Effect on October 29, 2014 as demonstrated in the table below.

*Table 2: Data Table for MXPDP Zone, Section 59-C-7.5
(Zoning Code in Effect on October 29, 2014)/LMA No. G-713, DPA 99-1*

Development Standard	MXPDP Zone	LMA G-713/DPA 99-1	Proposed
Gross Tract Area (min)	20 acres	53.4 acres	53.40 acres
Prior Dedication	n/a	n/a	2.86 acres
Proposed Dedication	n/a	n/a	0.35 acres
Net Tract Area	n/a	n/a	50.19 acres
Density (max)			
Residential	44 units/acre; 75 dwelling units/acre ¹	1250 units (23.4 units/acre)	1250 units² (23.4 units/acre)
Nonresidential			
Office	n/a	549,900 sf	549,900 sf
Retail	n/a	210,000 sf	210,000 sf
Hotel	n/a	200 rooms/200,000 sf	200 rooms/200,000 sf
Community Center	n/a	30,000 sf	30,000 sf
Entertainment	n/a	90,000 sf	90,000 sf
Total Nonresidential	0.75 FAR	1,079,900 sf (.046 FAR)	1,079,900 sf (.046 FAR)
MPDU requirement (min)	n/a	227 MPDUs (18%)	227 (18%) ³
Green Area (min)	40%/50% ⁴	40%/50% ⁴	40%-50% TBD at Site Plan
Minimum Setbacks (min)	TBD at Site Plan	TBD at Site Plan	TBD at Site Plan

¹ 44 units per acre in an all-residential area or 75 units per acre in a commercial/industrial area.
² 386 units built (to remain) from Phase I and 864 proposed in Phases 2 and 3.
³ 70 MPDUs built with Phase I, 157 to be provided in Phases 2 and 3.
⁴ 40% for commercial industrial areas, 50% for residential areas.

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

All prior approvals on this Property were subject to the 1992 *North Bethesda/Garrett Park Master Plan*, but in this area, the 1992 Plan has been superseded by the 2017 *Rock Spring Sector Plan* (Sector Plan or Plan). The Sector Plan recognizes that Rock Spring is well-positioned to become an amenity rich district for existing employers and future residents. The Plan envisions Rock Spring as an employment center that includes new housing with retail nodes at each end of the area's "central spine" along Rock Spring Drive and Fernwood Road to the west of the intersection with Rock Spring Drive. The Property is located at the eastern end of the central spine, at the intersection of Rock Spring Drive and Old Georgetown Road in an area the Sector Plan designates as Rock Spring East/Village Center. The proposed development is consistent with the overall Sector Plan vision and will provide a gateway into the central spine of Rock Spring with a new mixed-use development that includes a significant amount of retail.

a) *Land Use/Design*

The proposed development will contribute to the following Sector Plan overall land use and design goals:

- Support future transit and create mixed-use centers that will continue to serve adjacent communities
- Create recognizable activity centers
- Create a network of public open spaces integrated with the emerging community
- Contribute to the mix of uses within the Plan area to complement the existing office uses
- Create compact development patterns that include short blocks and building frontages close to the street

The Project will create a new mixed-use activity center adjacent to a potential Bus Rapid Transit (BRT) stop along the North Bethesda transitway on Rock Spring Drive. The proposed development creates a grid of streets with walkable blocks and the majority of the buildings fronting on both the public roads adjacent to the Property and the private roads internal to the project. Central to the proposed development is a .07-acre urban park adjacent to a 6-acre forest conservation easement that will be improved with natural surface trails. These open spaces will be readily accessible for the surrounding community and available for public use.

The Sector Plan recognizes the development potential of the Rock Spring Centre property given its size and favorable location. The Plan also acknowledges the history of development projects that have been approved, but have not been constructed, since the Property's rezoning in the mid-1990s and the change and growth that has occurred in the area during the intervening decades. The Plan notes the desire among local citizens for additional community facilities and instructs Planning Staff and the Planning Board to explore the potential for community amenities should the Rock Spring Centre APF expire or the need for amendments arise (Sector Plan pages 31, 59). Community meeting

space, athletic fields and a dog park are discussed as possible community amenities and the Plan discusses the potential to expand the existing publicly owned land (Parcel M from the prior approval) that was previously dedicated for recreational uses (pg. 59).

In consultation with the Department of Recreation, the Applicant proposes to reclaim Parcel M for the Phase 3 development and will provide alternative recreational facilities consistent with the Sector Plan. Staff has worked closely with the Applicant team to explore the potential for recreational spaces onsite and in the surrounding area. The Applicant will provide three publicly accessible recreation facilities onsite. The urban plaza/park, the 6-acre forest conservation area (which will be improved with a natural surface trail and other enhancements), and the dog park. These facilities will be privately-owned and operated by the Applicant, but accessible to the public.

To address the need for additional athletic field space in the area, the Applicant has worked with Planning Staff and the Montgomery Parks Department on an agreement to increase capacity for playing fields at nearby Cabin John Regional Park (CJRP) by designing and implementing a lighting plan for three fields and the associated parking lot. CJRP is just outside of the Sector Plan Area to the west (Figure 23).

Fields Five, Six, and Seven, along with the parking lot that primarily serves them, are not currently at the same standards as the other athletic fields at Cabin John Recreational Park and cannot support the same level of use as the other fields (Figure 24). The primary difference is in the lack of lighting for these sub-par fields. Installing lighting on these fields and the parking lot will substantially increase capacity on those fields and for CJRP as a whole.

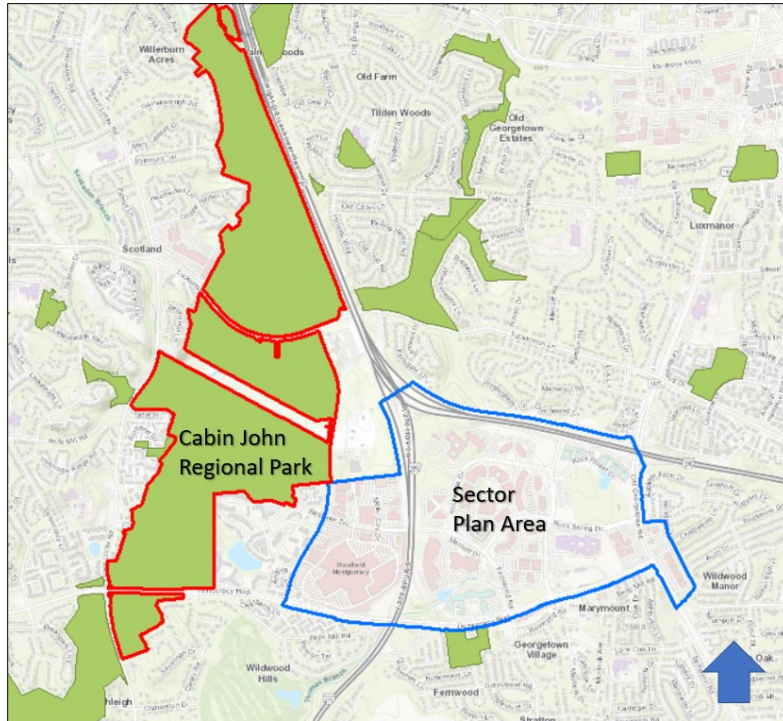


Figure 23: Rock Spring Sector Plan area and CJRP outlined in red



Figure 24: Playing fields and parking lot at CJRP that will receive new lighting

The Sector Plan includes design recommendations specific to this Property. The Plan indicates that the Project should:

- Anchor and frame the intersection of Old Georgetown Road and Rock Spring Drive and act as a gateway into the Rock Spring area;
- Create frontages along Old Georgetown Road and Rock Spring Drive; and
- Transition between the higher densities already approved to the potential lower densities on the Georgetown Square property directly to the south (Sector Plan page 32).

The proposed Phase 3A mixed-use building frames the corner of Old Georgetown Road and Rock Spring Drive, anchoring the prominent intersection. The height of the proposed mixed-use buildings along Rock Spring Drive, at a maximum of seven stories/80 feet, provides an appropriate transition between the proposed Phase 2, high-rise residential towers and the low-rise Georgetown Square Shopping Center⁴ and Walter Johnson High School to the south.

b) Environment

The Project addresses the following Sector Plan environmental goals:

- Promote an awareness of environmental issues and instill a commitment to environmental stewardship.
- Preserve natural areas and features that are environmentally sensitive.
- Encourage green features (softscaping) in required open space areas and the public realm.
- Provide opportunities for healthful exercise, recreation and mental wellbeing: parks and open spaces, trails, sidewalks, and bicycle networks.

The large forest conservation area in the center of the Property protects a stream and other sensitive environmental features and will include natural surface trails for exploration and enjoyment of the Property's natural features. The proposed trails and the buffered sidewalks along the grid of private streets provide connections within the large Property, encouraging pedestrian activity and appreciation of the natural surroundings. The separated bike lanes along the Rock Spring Drive frontage will further expand the bicycle network that is planned for nearby Fernwood Road/Westlake Terrace in connection with recent development approvals.

c) Transportation

i. Transit

The North Bethesda Transitway is included in the 2013 *Countywide Transit Corridors Functional Master Plan* (Transit Plan) as part of the County's bus rapid transit (BRT) network. Along the Rock Spring

⁴ Georgetown Square Shopping Center is within the CRT-1.5, C-1.0, R-0.75, H-75 Zone and building heights up to 75 feet are allowed.

central spine of Westlake Terrace, Fernwood Road, and Rock Spring Drive, the transitway is planned to operate in parallel dedicated BRT lanes within a 40-foot transit easement on the north side.

An approximately 40-foot-wide transit easement is currently in place along the Property's Rock Spring Drive frontage, and the Applicant will dedicate the easement area to the County as right-of-way with the Subject Preliminary Plan Amendment. The Transit Plan recommends BRT station locations at Rockledge Drive and Rock Spring Drive, and Rock Spring Drive and Old Georgetown Road along the Property frontage. This Project does not preclude BRT stations at either of these locations.

ii. **Roads and Bikeways**

ROCK SPRING DRIVE: Rock Spring Drive is designated in the Sector Plan as a Business District Street with a minimum 80-foot-wide right-of-way. The Sector Plan recommends that Rock Spring Drive be considered by MCDOT as a test case for a “road diet.” The road diet, as envisioned by the Sector Plan, would reduce the four travel lanes to two travel lanes and replace the center left turn lanes with a single two-way left turn lane (Figure 25). Space from the eliminated lanes would be repurposed for a two-way bike “separated bike lane” with landscaped buffers on either side of the bikeway, the transitway and the sidewalks. The 2018 *Bicycle Master Plan* envisions separated bike lanes along the north side of Rock Spring Drive.

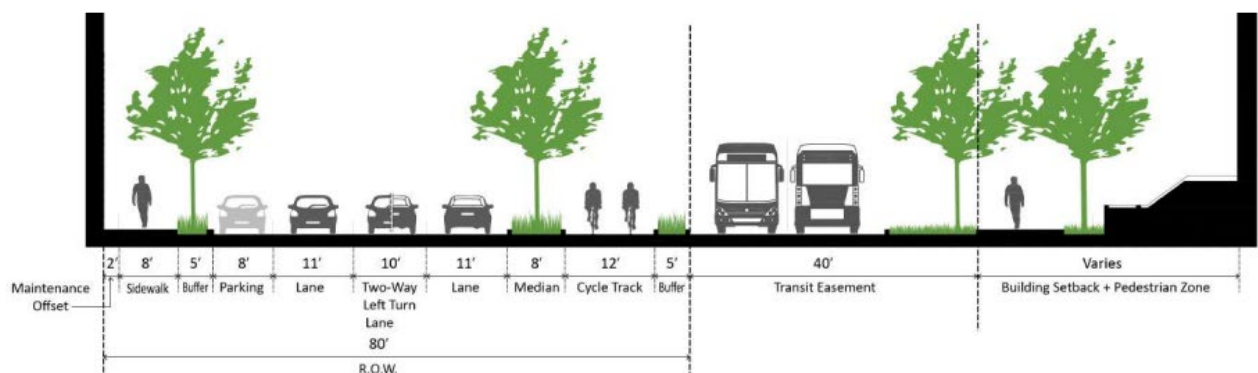


Figure 25: Sector Planned Cross-Section of Rock Spring Drive Road Diet facing west
(figure 19 on page 70 of Sector Plan)

MCDOT and Planning Staff, in consultation with MCPS⁵, discussed the implementation of the road diet and determined that full implementation should be tied to Phase 4 of this project. As a result, all parties agreed on a Phase 3/ interim alternative for Rock Spring Drive that converts the existing 40-

⁵ MCPS was consulted because a road diet would impact the Rock Spring Drive frontage along Walter Johnson High School.

foot-wide transit easement to right-of-way and constructs a 10-foot-wide asphalt two-way separated bike lane with a buffered six-foot sidewalk along the Property frontage in the ultimate location (Figure 26). In the interim condition, the four travel lanes are maintained, and a median running down the center of the roadway provides space for turn lanes at intersections. The Phase 3/Interim cross-section satisfies the master planned pedestrian and bicycle requirements and does not preclude future implementation of the road diet with dedicated BRT lanes.

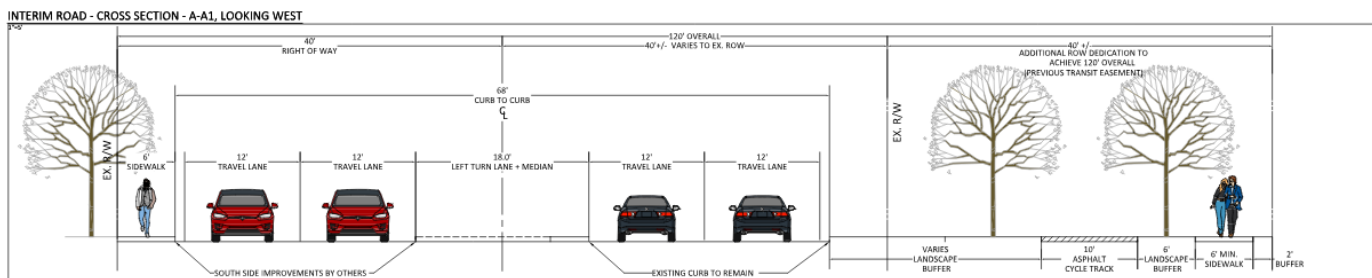


Figure 26: Proposed Rock Spring Drive Interim/Phase 3 Cross Section (without road diet or BRT)

Figure 27 shows the Rock Spring Drive cross section with full implementation of the road diet and BRT traveling in dedicated lanes. Implementation of the road diet will be revisited during review of the Phase 4 Site Plan in coordination with MCDOT and Planning Staff, in consultation with MCPS.

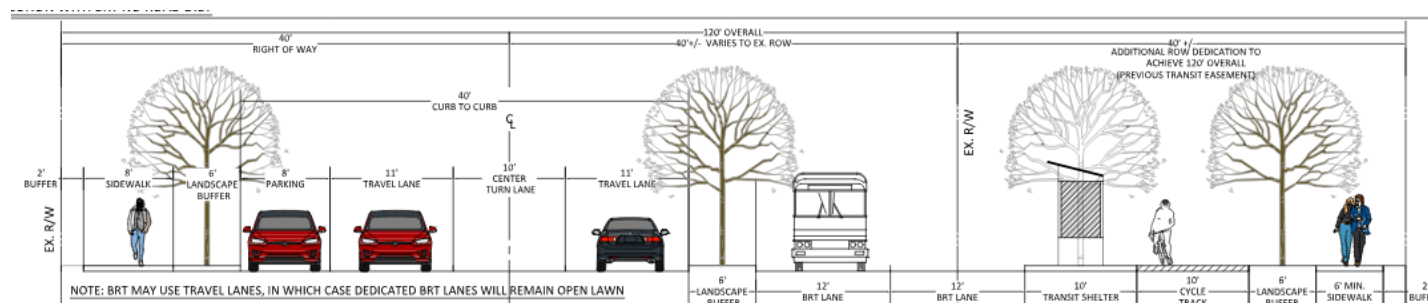


Figure 27: Proposed Rock Spring Drive Conceptual Ultimate Cross Section (with Road Diet and BRT in dedicated lanes)

OLD GEORGETOWN ROAD: Old Georgetown Road (MD 187) is a state road designated as a Major Highway in the Sector Plan with a minimum 120-foot right-of-way and six travel lanes. The existing right-of-way is 150 feet, and no further dedication is required. The 2018 *Bicycle Master Plan* requires a separated bike lane along the eastern side of Old Georgetown Road; no facilities are recommended along the Property's Old Georgetown Road frontage. The Applicant will improve this frontage with a 10-foot-wide sidewalk and six-foot street buffer (Figure 28).

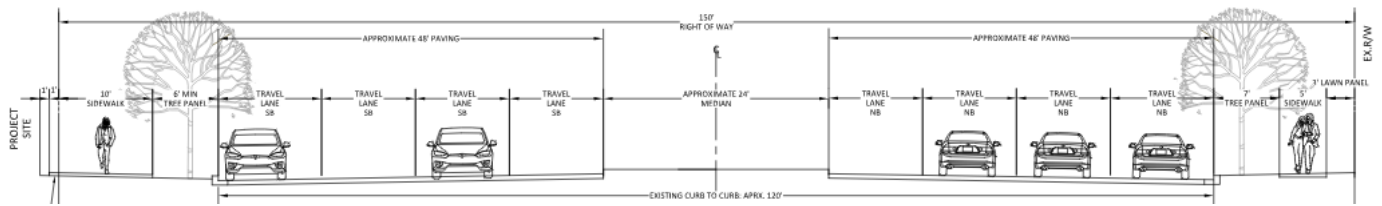


Figure 28: Proposed Old Georgetown Road Cross Section

ROCKLEDGE DRIVE: Rockledge Drive is designated as a Business District Street with a minimum 80-foot-wide right-of-way. The Sector Plan envisions reducing the number of lanes from four to two to accommodate bicycle facilities. The 2018 *Bicycle Master Plan* recommends separated bike lanes along the Property's Rockledge Drive frontage between Rock Spring Drive and Rock Forest Drive, and a sidepath north of Rock Forest Drive. The Applicant is proposing to remove a vehicle travel lane on the east side of Rockledge Drive, along the Property frontage, between Rock Spring Drive and Rock Forest Drive to accommodate a buffered two-way 10-foot-wide separated bike lane. Final details of the Rockledge Drive road diet and frontage improvements will be determined during a subsequent site plan.

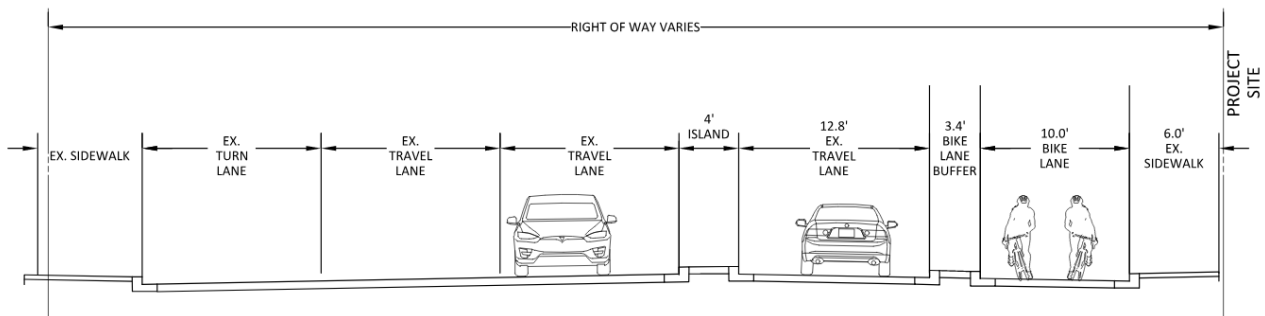


Figure 29: Proposed Rockledge Drive Cross Section

The Sector Plan stresses the need for safe pedestrian connections between Walter Johnson High School and the proposed Project (pp. 59, 77). As such, the Applicant will provide a traffic signal and crosswalks at the intersection of Rock Spring Drive and Stone Spring Street with Phase 3A of the proposed development. The signalized intersection will create a safer crossing for students, residents, and shoppers.

The pedestrian and bicycle improvements proposed with the Subject Applications are in substantial compliance with the Sector Plan, 2013 *Countywide Transit Corridors Functional Master Plan*, and the Urban Design Guidelines for the Rock Spring & White Flint 2 Sector Plans.

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

a) APF Validity Extension

On April 1, 2019, the Applicant submitted a timely request to extend the adequate public facilities (APF) validity period for the Preliminary Plan by 12 years pursuant to Section 50-4.3.J.7.e., *Applications with significant infrastructure investment*. Since the APF extension request was submitted with the Preliminary Plan Amendment application, the Planning Board has granted eight approvals to extend the regulatory review period (Attachment J). The APF validity period would have otherwise expired on November 25, 2021.

Staff recommends extending the APF validity until November 25, 2033, which is 12 years from the existing November 25, 2021 APF validity expiration date. Under Section 50-4.3.J.7.h, no combination of extensions of APF validity by the Planning Board may exceed a total of 12 years from the date of the original APF expiration. If the Planning Board extends the APF validity until 2033 as recommended by Staff, a future Planning Board cannot approve any further extensions, unless the law is changed to allow for such extensions

The APF extension is based on a phasing schedule requiring the Applicant to obtain building permits as follows:

- Building permits for all buildings in Phase 3A must be obtained within 5 years of this approval
- Building permits for all buildings in Phase 3B must be obtained within 7 years of this approval
- All remaining building permits must be obtained by November 25, 2033, or the Preliminary Plan will be revoked for any unbuilt development.

To extend the APF validity for 12 years, the Planning Board must make the following findings:

i. ***Requirements for all APF Validity Extensions***

(1) the applicant must not propose any additional development above the amount approved in the original determination;

The Applicant is not proposing development beyond the amount approved under Preliminary Plan No. 11998092B.

(2) the Board must not require any additional public improvements or other conditions beyond those required for the original preliminary plan;

Staff recommends additional public improvements associated with the Preliminary Plan Amendment to address conformance with the Sector Plan, the *Bicycle Master Plan*, and the *Countywide Transit Corridors Functional Master Plan*, but no additional conditions are recommended for the APF Extension request.

(3) the Board may require the applicant to submit a traffic study to demonstrate how the extension would not be adverse to the public interest;

The development proposed by this Application will not generate more trips than what was previously approved as part of the Preliminary Plan. The development quantities remain as approved by the prior Preliminary Plan, and Staff did not require the Applicant to submit a new traffic study.

(4) an application may be made to extend an adequate public facilities period for a lot within a subdivision covered by a previous adequate public facilities determination if the applicant provides sufficient evidence for the Board to determine the amount of previously approved development attributed to the lot; and

Not applicable to the subject extension request.

(5) if the remaining unbuilt units would generate more than 10 students at any school serving the development, the Board must make a new adequate public facilities determination for school adequacy for the remaining unbuilt units under the school test in effect at the time of Board review.

Bill 37-20, which took effect on January 1, 2021, amended Chapter 50 to require retesting for school adequacy upon APF extension if unbuilt units are estimated to generate more than 10 students at any single school. However, since the APF extension request submitted with the Preliminary Plan Amendment was accepted for review by the Planning Department prior to January 1, 2021, retesting for school adequacy is not required at this time. If the APF validity expires, or the Applicant requests additional dwelling units, a school adequacy test will be required.

ii. ***Findings required for APF extension of up to 12 years additional years***

(1) the preliminary plan or APF approval for the development required a significant commitment of funds by the applicant, amounting to at least \$3 million, as adjusted annually from February 2017 by the consumer price index, to comply with specified infrastructure conditions;

After accounting for the annual Consumer Price Index (CPI) adjustments since February 2017, the Applicant has expended more than three million dollars to comply with APF related infrastructure conditions. The three-million-dollar requirement, as adjusted annually since February 2017 based on CPI, would require an expenditure in excess of \$3,842,520.⁶

⁶ Calculation is based on data from the U.S. Bureau of Labor Statistics, the CPI in February 2017 was 2.7%; in February 2018 was 2.2%; in February 2019 was 1.5%; in February 2020 was 2.3%; in February 2021 was 1.7%; in February 2022 was 7.9%; and in November 2022 was 7.1%.

The Applicant has spent \$14,181,482 (without taking advantage of the CPI adjustment factor) on the following improvements:

- Realignment of Rockledge Drive associated with the construction of the Rockledge Connector:
 - Construction of Rockledge Connector and related improvements: \$3,849,890
 - Right-of-way dedication for Rockledge Connector and related interchange: \$7,157,940
- A signed agreement with MDSHA for (A) funding of I-270 interchange improvements and (B) construction of a segment of the Rockledge Connector:
 - Contribution to Interchange per SHA Agreement: \$1,500,000
- Construction of improvements contiguous to the site along Old Georgetown Road and at the interchange of the I-270 West Spur and Democracy Boulevard:
 - Construction of Old Georgetown Road Improvements: \$579,577
 - Right-of-way dedication for Old Georgetown Road Improvements: \$620,955
- Improvement to the intersection of Old Georgetown Road and Tuckerman Lane:
 - Construction of Improvements at Old Georgetown Road and Tuckerman Lane: \$163,000
 - Construction of Improvements at Rock Spring Drive: \$310,120

(2) the applicant has met or exceeded the required infrastructure conditions during the original validity period; and

As described in the previous finding, the Applicant completed all required infrastructure improvements during the original validity period.

(3) the applicant's satisfaction of the required infrastructure conditions provides a significant and necessary public benefit to the County by implementing infrastructure goals of an applicable master plan.

The public has benefitted for many years from the infrastructure improvements provided well in advance of the majority of the actual development on the Property. A majority of the infrastructure constructed or funded by the Applicant was recommended by the 1992 *North Bethesda/Garrett Park Master Plan* in effect at the time of prior Preliminary Plan approvals, or required by the County Council with the rezoning of the Property.

b) Roads and other Transportation Facilities

i. Proposed public transportation infrastructure

Proposed public transportation infrastructure is discussed in finding No. 2 and is adequate to support and service the area of the subdivision.

ii. ***Proposed private transportation infrastructure***

The Preliminary Plan proposes a network of private roads internal to the Property. The approved Preliminary Plan included a similar network of private roads, and the Subject Application realigns the roads to better serve the proposed development program. The Applicant's justification for private roads states that the proposed roads have utilities, grading, stormwater management, structures, lighting, and design details that establish the character of the neighborhood in contrast to the public street standards. The Applicant wants these non-standard items to be built and maintained privately to ensure excellent upkeep and oversight of the design intent.

Per Section 50-4.3.E.4.b, private roads must be built to the construction specifications of the corresponding public road standard. With the exception of Stone Spring Street North, all internal private roads are designed as modified Business District Streets based on MCDOT Standard No. MC-2005.01. Stone Spring Street North is a modified tertiary residential street with a sidewalk on one side (based on MCDOT Standard No. MC-2001.01).

The private roads will be platted in separate parcels and MCDOT has determined that the private roads are not needed to maintain area circulation, provide continuous corridors to serve the general public, and are not needed to be part of the network modeled for area capacity.

Staff supports the classification of internal roads as private. The proposed private roads will effectively function as public roads in the following respects: 1) adequate access and fully accessible to the public; 2) accessible to fire and rescue vehicles; and 3) designed to the minimum public road standards, except for right-of-way and pavement widths, and a portion of a street with a sidewalk only on one side.

c) ***Local Area Transportation Review (LATR)***

The Subject Preliminary Plan Amendment includes the same uses and density approved by Preliminary Plan Amendment 11998092B. The trip counts associated with the previously approved development (2,243 peak hour morning trips and 4,341 peak hour evening trips) remain unchanged with this Application and no further LATR analysis is required.

d) ***Schools***

Bill 37-20, which took effect on January 1, 2021, amended Chapter 50 to require retesting for school adequacy upon APF extension if unbuilt units are estimated to generate more than 10 students at any single school. However, since the APF extension request submitted with the Preliminary Plan Amendment was accepted for review by the Planning Department prior to January 1, 2021, retesting for school adequacy is not required at this time. If the APF validity expires, or if the Applicant requests

approval of additional dwelling units in a future Preliminary Plan Amendment, a school adequacy test will be required.

e) Other Public Facilities and Services

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services continue to be adequate as determined by the prior Preliminary Plan approval.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Preliminary Plan and Site Plan comply with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

a) Natural Resource Inventory/Forest Stand Delineation

Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 419941990 was originally approved for this Property on August 9, 1994. It was re-approved on January 28, 1998, and revised June 25, 1999. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. Forest Conservation Plans are required to update the information from the NRI/FSD as needed. The site originally included 25.47 acres of forest. FFCP 820090030, which was approved May 14, 2012, recorded that the site included 25.47 acres of forest, 0.24 acres of wetlands, and 4.15 acres of stream buffers. There are no 100-year floodplains or known occurrences of Rare, Threatened or Endangered species identified either on the original NRI/FSD or on subsequent FFCPs. The FFCP with the current application affirms that the NRI/FSD information is unchanged. The site drains to the Cabin John Creek watershed, which is a Maryland State Use Class I stream. The Property does not lie within a Special Protection Area.

b) Environmental Guidelines

As noted above, portions of this Property were developed under previous plan approvals. The Property contains a variety of features, including forest and meadow areas, an existing homestead, temporary parking lots, completed roadway and parking structures serving residential buildings that have been occupied since approximately 2003, and the foundation for a large apartment tower which has not been completed. Environmentally sensitive features such as steep slopes and environmental buffers occur on-site, and within portions of the current phase. The proposed development envelope has been conceptually approved during the initial preliminary plan of subdivision and earlier versions of the Final Forest Conservation Plan.

The previous and current plans include permanent encroachments into the stream valley buffer. Mitigation for the permanent impacts is provided by the proposed control of invasive species and the planting of supplemental native species throughout the remaining forest retention areas. The mitigation requirement was established as a condition of approval under previous site plans. Some of the stream valley buffer impacts have already occurred, for example portions of the uncompleted foundation work associated with the proposed apartment towers are located within the stream buffer. Enough passage of time has occurred that invasive species control will have to be repeated. Installation of supplemental plantings was never completed. The conditions of approval include requirements to perform invasive species management and to install additional forest plantings. With these conditions, the submitted Preliminary and Site Plan amendments are in conformance with the *Environmental Guidelines*.

c) Forest Conservation Plan

This Property has a long history, with numerous previous approvals including Preliminary Forest Conservation Plans (PFCP) and Final Forest Conservation Plans (FFCP), as detailed earlier in this staff report. These plans, including FFCPs No. 820040170 (820030360), 820000340, 820000350, and 820090030, have covered the entire site, including some areas that have now been developed. The prior Forest Conservation Plans have included the establishment of Category I Conservation Easements on-site. These easements are being retained and modified to continue to provide retained and planted forest credited toward the forest mitigation requirements of the current applications.

The Applicant has submitted amended Preliminary and Final Forest Conservation Plans (FCPs) with the current development plan applications for Preliminary Plan 11998092C and Site Plan 82009003A (Attachments F and G). These plans continue to cover the entire area included in the original approved preliminary plan of subdivision and Preliminary Forest Conservation Plan (No. 119980920). FFCP 82009003A also replaces the FFCPs associated with Site Plans Amendments 82003036C and 82004017C, which are also included in this staff report. Areas of forest that were previously cleared must be accounted for in the amended Final Forest Conservation Plan for the entire Rock Spring site. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property is being submitted for review under its former zoning assignment of MXPD and is assigned a Land Use Category of Mixed-Use Development (“MDP”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 51.71-acre Subject Property minus 1.04 acres of dedication for road construction by others and land in a transit easement, for a Net Tract Area of 50.67 acres. This figure remains unchanged from prior approvals. Prior to development on a

portion of the site, there were 25.47 acres of existing forest on the Subject Property, some of which has already been cleared to make way for the Avalon Bay apartments on the northwest portion of the property. The amended FCPs propose to retain 6.20 acres and remove 19.27 acres of forest (including forest already removed). The proposed forest clearing generates a reforestation requirement of 11.69 acres. This amount is reduced by a maximum allowable 2.34-acre Credit for Landscaping previously provided with the Phase I development of the Rock Spring Centre (FFCP No. 820090030), leaving a reforestation requirement of 9.36 acres. This landscaping credit consists of a previously approved 0.38-acre landscaped area and tree canopy credit achieved by planting shade trees with a projected 20-year canopy area of 9.25 acres. Per the Forest Conservation Regulations, Section 22A.00.01.08(G)(7), tree canopy credit for reforestation can be granted for one-quarter of the projected 20-year canopy area, in this case 2.3125 acres, thus providing slightly more than the 2.34 acres that can be taken for credit in the Forest Conservation worksheet.

The Phase I development under Site Plan No. 820090030 also provided 3.62 acres of off-site forest banking, received approval to purchase 0.03 acres of fee-in-lieu credit, and to plant an additional 1.17 acres of forest on site. The current application proposes to plant an additional 0.37 acres of on-site reforestation. All forest retained and new forest planted on site will be protected in Category I Forest Conservation Easements. The previously approved mitigation plus the new on-site afforestation totals 5.19 acres being provided toward the total forest mitigation requirement of 9.36 acres, leaving 4.17 acres of reforestation credit still required.

The Applicant proposes to meet the remaining planting requirement through the purchase of off-site forest banking credits. If no off-site forest bank credits are available for purchase, the remaining requirement may be fulfilled through payment of a fee-in-lieu.

Because this FFCP Amendment is being reviewed according to the standards of the MXPDP zone, it is required to meet a minimum on-site forest retention requirement per Section 22A-12(f) of the Forest Conservation Law. For planned use development zones such as the MXPDP, on-site forest retention must equal the conservation threshold, or 20% of the Net Tract Area. In this case, the minimum retention required would be 10.13 acres. Previous approvals on this site have already permitted the clearing of 19.27 acres of forest, leaving 6.20 acres of on-site forest remaining. Section 22A-12(f)(C) says that "If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement." The afforestation threshold on this site is 15%, or 7.60 acres. The proposed on-site reforestation of 1.17 acres previously approved, plus the 0.37 acres of additional on-site reforestation proposed in this Application, added to the 6.20 acres of existing on-site forest being retained, totals 7.74 acres of forest that will exist on-site within Category I Forest Conservation Easements. This exceeds the afforestation threshold by 0.14 acres.

d) Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the 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. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires that trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the Applicant qualifies for a variance under Section 22A-21.

Variance Request - The Applicant submitted a variance request in a letter dated August 19, 2021 (Attachment I). The variance request seeks permission to impact five (5) trees and remove seventeen (17) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Tables 3 & 4). As noted in these tables, tree no. 360 was previously granted variance approval for a greater amount of disturbance, and does not require a new variance approval. Likewise, tree no. 316 was previously granted variance approval for removal, and does not require a new variance approval. This makes the actual variance request for permission to impact four (4) trees and remove sixteen (16) trees.

Table 3: Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
322	White oak (<i>Quercus alba</i>)	37”	27.18%	Fair to good condition.
355	Tulip poplar (<i>Liriodendron tulipifera</i>)	31”	11.23%	Poor condition.
362	White oak (<i>Quercus alba</i>)	32”	24.72%	Good condition.
1000	Pin oak (<i>Quercus palustris</i>)	36”	4.14%	Fair condition. Previous variance approval for disturbance (9.5%).

Table 4: Protected Trees to be Removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
73	Kentucky coffeetree (<i>Gymnocladus dioicus</i>)	42"	100%	Remove.
212	White oak (<i>Quercus alba</i>)	57"	100%	Remove.
213	Red maple (<i>Acer rubrum</i>)	41"	100%	Remove.
302	Silver Maple (<i>Acer saccharinum</i>)	50"	100%	Remove.
303	Green ash (<i>Fraxinus pennsylvanica</i>)	36"	100%	Remove.
304	Black cherry (<i>Prunus serotina</i>)	35"	100%	Remove.
309	Norway spruce (<i>Picea abies</i>)	34"	100%	Remove. Previous variance approval to disturb (13%).
312	Black walnut (<i>Juglans nigra</i>)	42"	100%	Remove. Previous variance approval to disturb (25%).
320	White oak (<i>Quercus alba</i>)	42"	100%	Remove.
327	Pignut hickory (<i>Carya glabra</i>)	33"	100%	Remove.
328	Black gum (<i>Nyssa sylvatica</i>)	36"	100%	Remove.
329	Tulip poplar (<i>Liriodendron tulipifera</i>)	32"	100%	Remove.
346	White oak (<i>Quercus alba</i>)	30"	100%	Remove.
989	No. red oak (<i>Quercus rubra</i>)	38"	100%	Remove.
990	No. red oak (<i>Quercus rubra</i>)	43"	100%	Remove.
991	No. red oak (<i>Quercus rubra</i>)	33"	100%	Remove.

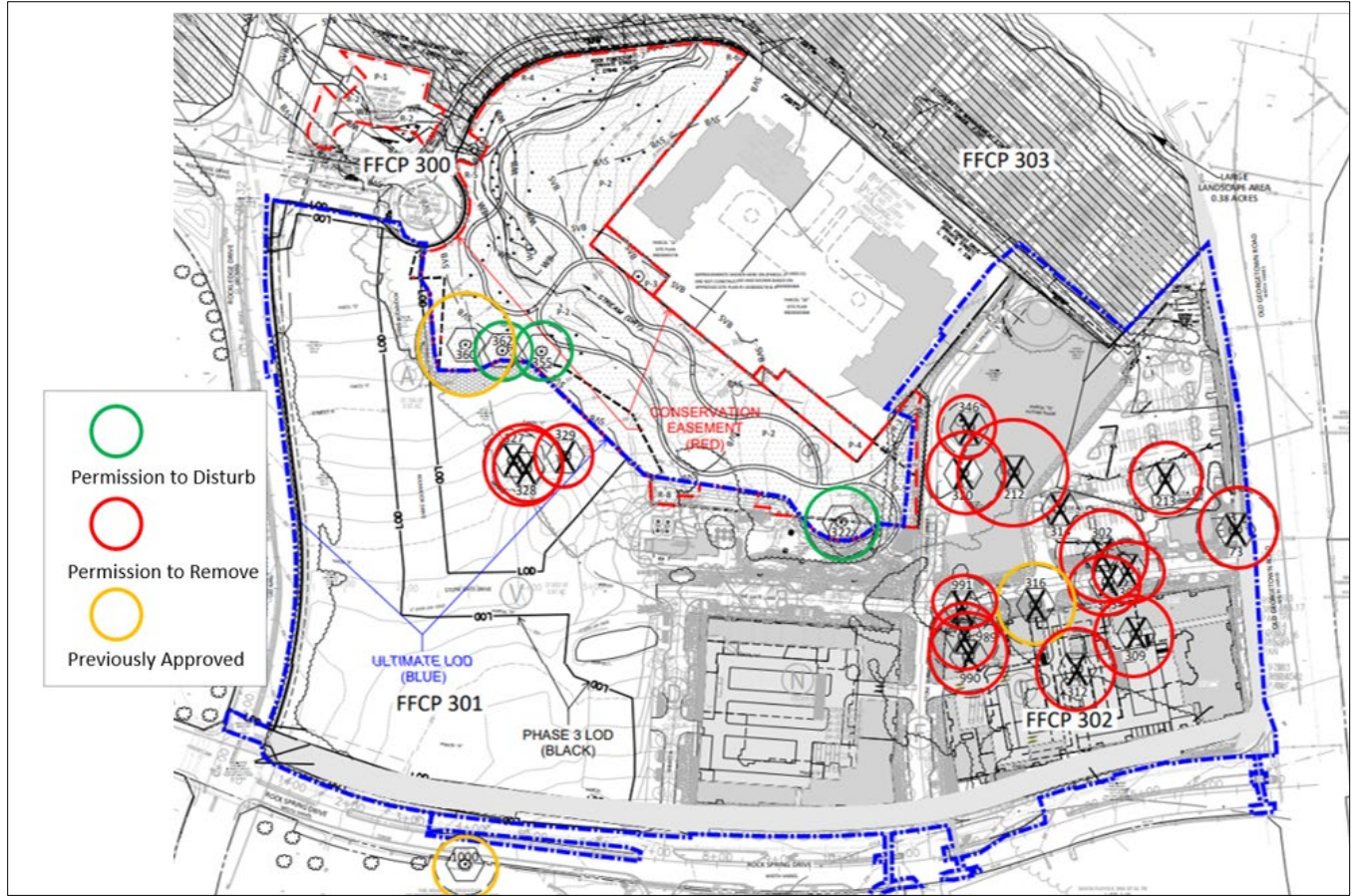


Figure 30: Tree Variance Request Exhibit

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property.

The variance process begins with an understanding of the site constraints that determine the developable area of the site. On the Rock Spring site, the NRI/FSD has identified critical natural resources that must be protected, specifically the existing stream and the 4.15 acres of stream buffer that must be protected per the *Environmental Guidelines*. This area is included within existing and proposed forest conservation easements totaling 7.74 acres of on-site forest conservation preservation and planting. This reduces the developable area of the site to 42.93 acres, a reduction of just over 15% of the net tract area. The protected area includes many additional significant and specimen trees that will not be disturbed, and therefore require no variance approval.

The area of the site available for development of residential and non-residential buildings is further reduced by the area required for the construction of roads, sidewalks, pedestrian and bicycle infrastructure, and required parking. Additional constraints include topographic challenges. Topography also constrains the locations of some essential utilities, such as sanitary sewers and stormwater systems, both of which drain by gravity, and therefore must be focused in the low points of the site.

The variance request includes the following trees that lie within the developable portion of the site, and are identified as priorities for retention under Section 22A-12(b)(3):

Tree No. 73 lies along the west side of the Property adjacent to Old Georgetown Road just north of proposed Stone Gate Lane. It will sustain 100% impact to its CRZ from development of a proposed retail building and a 10-foot sidewalk to be built along Old Georgetown Road.

Trees No. 212, 213, 320, and 346 are within a forest approved for clearing on the western portion of the Property to make way for the proposed grocery store and commercial development.

Trees No. 302, 303, 304, and 991 lie within the right-of-way for the construction of Stone Gate Lane, its associated sidewalk, and a sanitary sewer.

Trees No. 309, 312, 989, and 990 stand within an area approved for clearing in the southwest corner of the Property for the construction of residential and commercial development and associated parking.

Trees No. 327, 328, and 329 are in the southeastern part of the site in a forest previously approved for clearing.

Trees No. 355 and 362 are located in the southeast corner of the large Category I Forest Conservation Easement in the center of the property. Portions of their CRZs extend beyond the boundary of the Conservation Easement into areas previously approved for clearing. These trees will be saved.

Tree No. 322 lies toward the southeastern corner of the large Category I Forest Conservation Easement located in the center of the property. A portion of its CRZ extends beyond the boundary of the Conservation Easement into an area previously approved for clearing. This tree will be saved.

Tree No. 1000 lies in the right-of-way just south of Rock Spring Drive. A small portion of its CRZ will be impacted by disturbance required for improvements to the median in the middle of Rock Spring Drive. This tree will be saved.

The 17 trees requested to be removed (including tree no. 316 which was previously approved for removal) are located within the developable area of the Property. The inability to remove these trees would potentially render portions of the site undevelopable for this project. Specifically, the Critical Root Zones of the large number of variance trees on the site total 3.37 acres. Denying the Applicant permission to disturb these trees would reduce the developable area from 42.93 acres to 39.56 acres.

The CRZs of the variance trees also stand in the way of most of the right-of-way of Stone Gate Lane (Street B) between Stone Spring Street (Street F) and Old Georgetown Road, and a portion of the northern segment of Stone Spring Street. Avoiding the CRZs of the variance trees would require that portions of the remaining developable area receive the displaced streets and associated improvements. The impacts are particularly severe on the southeast portion of the Property with highly desirable frontages along Old Georgetown Road and Rock Spring Drive (Figure 31). Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use otherwise developable portions of the Property for commercial and residential development allowed under the approved zone on the site, which is a reasonable and significant use of the Property. In addition, precedents established over years of regulatory reviews of Final Forest Conservation Plans has affirmed that Planning Board approved forest and tree clearing is a right maintained on amendments to the FFCP. Denying the variance would deprive the landowner of rights commonly enjoyed by others in similar areas.



Figure 31: Variance Tree CRZs

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

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

- i. ***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 and disturbance to the specified trees are due to the development of the Property, location of the trees and necessary site design requirements. The Property contains numerous large trees located within the developable area of the site. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Master Plan is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- ii. ***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, development standards of the zone, and necessary design requirements of this Application, including street frontage improvements. As noted above, denial of the variance request would reduce the developable area of the site by 3.37 acres. Additionally, up to 41,632 square feet of road right-of-way might have to be relocated into the remaining developable area, further reducing the area available for residential and non-residential buildings. Alternatives for replacing lost parking areas, such as structured and below-ground parking, are very expensive options that reduce the economic viability of the development. These reductions will also make it difficult to deliver critically needed housing, especially affordable housing.

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

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

- iv. ***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 Protected Trees being removed are not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation for the removal of these three trees by planting

larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Therefore, Staff concurs that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Nine of the 17 trees proposed for removal are within forest areas approved for clearing under the Final Forest Conservation Plan. It has been M-NCPPC policy not to require mitigation for Protected Trees removed within forest stands since the removal of the forest is accounted for and mitigated through the Forest Conservation Worksheet.

Eight Protected Trees outside forested areas are proposed for removal in this variance request, which results in a total of 332 inches of DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately one-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 83 inches with the installation of 28 three-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. The species and planting locations of these trees must be shown on the Certified Final Forest Conservation Plan. Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of five trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a five-year maintenance and management agreement.

Variance Recommendation

Staff recommends approval of the variance request with the mitigation as noted in the staff report.

e) Noise

This project is providing significant outdoor open space areas that are buffered from road noise by the distance from existing roads, existing and proposed development and by the existing forest in the middle of the Property. No noise mitigation structures should be needed to maintain exterior noise levels below the 65 dBA Ldn standard. All residential units will be required to meet the standard interior noise requirement of 45 dbA Ldn.

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

On October 18, 2022, DPS approved a Stormwater Management Concept and Site Development Stormwater Management Plan. The stormwater management concept proposes to meet required

stormwater management goals via micro-bioretenment, roof top disconnect and modular wetland facilities.

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

The Applicant has not had notice of any burial site on the Property, nor is the Property or any portion thereof included in the Inventory.

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

a) Abandonment of Parcel M

The Applicant proposes to abandon Parcel M, located along the Old Georgetown Road, previously dedicated to the County for recreation uses. Parcel M was dedicated to the County as part of the prior Preliminary Plan approval. In the Subject Application, the Applicant, in consultation with the Recreation Department, is proposing to reclaim Parcel M and incorporate it into the Property for resubdivision that will allow the proposed development of Phase 3A. The Department of Recreation has indicated in meetings with Staff that the parcel was not needed for the public.

Parcel M is currently improved with asphalt paving that has fallen into a state of disrepair and boarded-up to prohibit public access. The Parcel was never used for public recreation as it was intended. The Montgomery County Recreation Department and the Montgomery County Parks Department have indicated that they do not have an intention to use this property for any recreational facilities. Further, the Applicant is providing several public amenities in lieu of Parcel M. The Applicant will either construct, or provide funding for, lighting improvements to increase capacity at playing fields at Cabin John Park. The Applicant will also provide privately owned, publicly accessible amenities including a Central Park area (Rock Spring Plaza), an approximately 6-acre forested area with trails, and a minimum 10,000 sf dog park on Parcel 15.

b) Plan Validity

The Applicant validated the prior Preliminary Plan Amendment (No. 11998092B) by recording all the plats associated with the approved Plan. Therefore, Staff recommends a new five-year validity period to record the plats associated with the Subject Preliminary Plan Amendment.

SECTION 6: SITE PLAN NO. 82003036C FINDINGS AND ANALYSIS

Pursuant to the provision of Section 7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The proposed Amendment does not alter the intent of the previous findings except as modified below.

2. the site plan meets all of the requirements of the zone in which it is located

The Site Plan Amendment meets the requirements of the MXPD Zone and the development standards are limited as specified in the data table below. The Applicant must comply with Local Map Amendment G-713, which requires that 18% of the dwelling units be provided as MPDUs. Previously approved Alternative MPDU Agreements with DHCA are no longer valid. All development standards, except for the maximum density and MPDU requirement, remain unchanged in this Site Plan Amendment.

*Table 5: Data Table for Site Plan Amendment No. 82003036C
(MXPD Zone under the Zoning Ordinance In Effect on October 29, 2014)*

Development Standards	Provided
Min. Tract Area	3.09 ac
Maximum Density	125 units
MPDUs	18%
Building Setbacks	
From detached homes	550 ft
From street (the tower portion)	50 ft
From street (the garage portion)	30 ft
Green Area	59%
** Total Gross Floor Area, maximum building height, and parking will be determined at the time of a future site plan amendment, which is required before the issuance of any building permit.	

5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The previously approved Forest Conservation Plan associated with this Site Plan included the establishment of a Category I Conservation Easement onsite. The easement is being retained and continues to provide retained and planted forest.

A Final Forest Conservation Plan (Site Plan 82009003A) has been submitted concurrently with the Subject Site Plan Amendment. The FFCP associated with Site Plan 82009003A covers the entire Rock Spring Centre Property, including the area covered by the Subject Site Plan Amendment. FFCP 82009003A replaces the FFCP previously associated with the Subject Plan Amendment and satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A as discussed above.

SECTION 7: SITE PLAN NO. 82004017C FINDINGS AND ANALYSIS

Pursuant to the provision of Section 7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The proposed Amendment does not alter the intent of the previous findings except as modified below.

2. the site plan meets all of the requirements of the zone in which it is located

The Site Plan Amendment meets the requirements of the MXPD Zone and the development standards are limited as specified in the data table below. The Applicant must comply with Local Map Amendment G-713, which requires that 18% of the dwelling units be provided as MPDUs. Previously approved Alternative MPDU Agreements with DHCA are no longer valid. All development standards, except for the maximum density and MPDU requirement, remain unchanged in this Site Plan Amendment.

*Table 6: Data Table for Site Plan Amendment No. 82004017C
(MXPD Zone under Section C-7.5 of the Zoning Ordinance In Effect on October 29, 2014)*

Development Standards	Provided
Min. Tract Area	1.96 ac
Maximum Density	125 units
MPDUs	18%
Building Setbacks	
From detached homes	550 ft
From Rock Forest Drive (garage)	30 ft
From Rock Forest Drive (tower)	50 ft
From Rockledge Drive	547 ft
Green Area	59%
** Total Gross Floor Area, maximum building height, and parking will be determined at the time of a future site plan amendment, which is required before the issuance of any building permit.	

5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The previously approved Forest Conservation Plan associated with this Site Plan included the establishment of a Category I Conservation Easement onsite. The easement is being retained and continues to provide retained and planted forest.

A Final Forest Conservation Plan (Site Plan 82009003A) has been submitted concurrently with the Subject Site Plan Amendment. The FFCP associated with Site Plan 82009003A covers the entire Rock Spring Centre Property, including the area covered by the Subject Site Plan Amendment. FFCP 82009003A replaces the FFCP previously associated with the Subject Plan Amendment and satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, as discussed above.

SECTION 8: SITE PLAN NO. 82009003A FINDINGS AND ANALYSIS

Under Section 7.7.1.B.3 of the Zoning Ordinance, Site Plan Amendment 82009003A was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 for the MXPDP Zone. The findings below supersede all prior findings.

In reaching its decision to approve the Site Plan, the Planning Board must find that:

- 1. the site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;***

The Plan conforms to the applicable binding elements of Local Map Amendment G-713 as listed in the 1992 North Bethesda/Garrett Park Master Plan (Attachment H).

- 2. the site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;***

The Site Plan Amendment meets the requirements of the MXPDP Zone and the development standards are limited as specified in the data table below. This Property is not subject to an urban renewal plan.

*Table 7: Rock Spring Centre Site Plan Data Table for MXPDP Zone,
Section C-7.5 of the Zoning Ordinance in Effect on October 29, 2014*

Development Standard	Permitted/ Required	Overall Rock Spring Centre Development (DPA- 99-1)	Proposed Phase III (Site Plan Amendment 82009003A)
Site Area (min)	20 acres	53.4 acres	19.76 acres
Prior Dedication	n/a	2.86	n/a
Proposed Dedication	n/a	0.35 acres	0.35 acres
Net Site Area	n/a	50.19 acres	19.41 acres
Density (max)			
Residential	44 units/acre; 75 dwelling units/acre ¹	1250 units (23.4 units/acre)	614 units
Nonresidential			
Office	n/a	549,900 sf	0 sf
Retail	n/a	210,000 sf	133,100 sf
Hotel	n/a	200 rooms/200,000 sf	0 sf
Community Center	n/a	30,000 sf	0 sf

Development Standard	Permitted/ Required	Overall Rock Spring Centre Development (DPA- 99-1)	Proposed Phase III (Site Plan Amendment 82009003A)
Entertainment	n/a	90,000 sf	0 sf
Total Nonresidential	0.75 FAR	1,079,900 sf (.046 FAR)	133,100 sf
MPDU requirement (min)	18%	227 MPDUs (18%)	18%
Building Height (max)	n/a	10 stories	7 stories (80 feet)
Green Area (min.)	40%/50% ²	40%/50% ² TBD at site plan	53% of Site Plan area 459,926 sf
Minimum Setbacks			
Front	n/a	Determined at site	0
Side		plan	0
Rear			0
¹ 44 units per acre in an all-residential area or 75 units per acre in a commercial/industrial area. ² 40% for commercial industrial areas, 50% for residential areas			

Table 8: Residential Vehicle Parking Requirements¹

Residential Parking (Per CR Zone)	Units	Minimum Required	Maximum Allowed	Minimum Parking	Maximum Parking	Parking Provided in Garages
Parcel Q/ Bldg C MF (Total Up To 312 Units*)						
Market Rate						
Studio - 1 space/unit	43	1 per unit	1 per unit	43	43	
1 Bedroom - 1.25 space/unit	105	1 per unit	1.25 per unit	105	131	
2 Bedroom - 1.5 space/unit	107	1 per unit	1.5 per unit	107	161	
MPDU						
Studio - 0.5 space/unit	11	0.5 per unit	0.5 per unit	5.5	5.5	
1 Bedroom - 0.625 space/unit	23	0.5 per unit	0.625 per unit	11.5	14.375	
2 Bedroom - 0.75 space/unit	23	0.5 per unit	0.75 per unit	11.5	17.25	
Total	312		Total Parcel Q	283.5	372	320
Parcel N/ Bldg D MF (Total Up To 312 Units*)						
Market Rate						
Studio - 1 space/unit	34	1 per unit	1 per unit	34	34	
1 Bedroom - 1.25 space/unit	105	1 per unit	1.25 per unit	105	131	
2 Bedroom - 1.5 space/unit	117	1 per unit	1.5 per unit	117	176	
MPDU						
Studio - 0.5 space/unit	9	0.5 per unit	0.5 per unit	4.5	4.5	
1 Bedroom - 0.625 space/unit	23	0.625 per unit	0.625 per unit	11.5	14.375	
2 Bedroom - 0.75 space/unit	24	0.75 per unit	0.75 per unit	12	18	
Total	312		Total Parcel N	284	378	341

* Each building may contain up to 312 dwelling units, but the total number of units between the two buildings cannot exceed 614 units. Parking calculations will be finalized at the time of Building Permit.

¹ As allowed under Section 7.7.1.B.3.b of the current Zoning Ordinance, the Applicant may use the parking requirements from the current Zoning Ordinance in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4 (of the current Zoning Ordinance).

Table 9: Commercial Vehicle Parking Requirements¹

Parcel P Non-Residential Parking (Per CR Zone Requirements)							
	SF	min rate	min pkg	max rate	max pkg	Parking Provided in Garages	Parking Provided Surface Parking
grocery retail	64,770	3.5	226.695	6	388.620	121	194
retail	13,000	3.5	45.500	6	78.000		
restaurant	2,900	4	11.600	12	34.800		
			283.80		501.42	121.00	194.00
Parcel Q Non-Residential Parking							
	SF	min rate	min pkg	max rate	max pkg	Parking Provided in Garages	Parking Provided Surface Parking
retail	35,600	3.5	124.600	6	213.600	133	0
restaurant	-	4	-	12	-		
			124.60		213.60	133.00	-
Parcel N Non-Residential Parking							
	sf/rooms	min rate	min pkg	max rate	max pkg	Parking Provided in Garages	Parking Provided Surface Parking
retail	20,900	3.5	73.150	6	125.400	129	0
restaurant	-	4	-	12	-		
			73.15		125.40	129.00	-
Parking Summary				min pkg	max pkg	Parking Provided in Garages	Parking Provided Surface Parking
Residential				568	750	661	-
Non-Residential				482	840	383	194
Total Required:				1,049	1,590	Total Provided:	1,238
Note: 32 on-street parking spaces provided for visitors.							

¹ As allowed under Section 7.7.1.B.3.b of the current Zoning Ordinance, the Applicant may use the parking requirements from the current Zoning Ordinance in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4 (of the current Zoning Ordinance).

*Table 10: Bicycle Parking Requirements
(Section 6.2.4.C of the Current Zoning Ordinance)*

Bicycle Parking	Area/ Units	Rate	Bicycle Spaces Provided	Long-term	Short-term
Building C Multifamily (Parcel Q)	312	0.5 per unit (100 max)	100	95	5
Building D Multifamily (Parcel N)	312	0.5 per unit (100 max)	100	95	5
Block N, P, Q - Retail	210,000	1.0 per 10,000 GSF (50 max)	21	20	1

3. locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

a) Locations of buildings and structures

Phase 3 includes two mixed-use buildings and one shopping center consisting of a grocery store and multiple retail bays. One of the proposed mixed-use buildings frames the prominent intersection of Old Georgetown Road and Rock Spring Drive to provide a gateway into the Rock Spring area. To activate and define the pedestrian experience, the base of the proposed mixed-use buildings have been located along the edge of the streets, while simultaneously ensuring adequate streetscape is provided for planting, street furnishings (including outdoor seating) and wide pedestrian walkways. The building's podium is lined with street activating retail, restaurant and residential amenity uses to conceal the above-grade structured parking from the right-of-way.

b) Open spaces and landscaping

The Project design draws from the inspiration of the environmental features on-site, including a substantial forest preserve, situated in the approximate middle of the Centre, and the formerly running natural spring known as "Rock Spring," for which the area gets its name. The Project has been designed to facilitate interactions and connections with these natural features.

Phase 3 includes the majority of the Property's open spaces. The largest open space is an approximately 6-acre central wooded area, protected by a Category I Conservation Easement. The wooded area will incorporate natural surface trail improvements to provide pedestrian linkages to the adjacent community and Walter Johnson High School. Adjacent to the central wooded area, a privately owned, publicly accessible .70-acre urban park is proposed, which will include play equipment, landscaping, and seating areas. In addition, a minimum 10,000 square foot dog park is provided on Parcel 15, the parcel with the stormwater management pond west of Rockledge Drive. The details of the dog park will be determined at the time of an amendment to the site plan associated with Parcel 15 (Site Plan No. 820000350), which is a condition of approval for the Subject Site Plan Amendment.

c) Recreation facilities

The Applicant completed a demand, supply, and adequacy analysis of proposed recreation facilities demonstrating compliance with the Recreation Guidelines. Recreation facilities include a trail system, a bikeway, open grass lawn areas, playgrounds for various age groups, interior courtyards, lobbies, seating areas and a lounge pool.

d) Pedestrian and vehicular circulation systems

Pedestrian access to the proposed development will be accommodated through a new sidewalk along the Property's Rock Spring Drive frontage and a widened sidewalk along Old Georgetown Road. A network of internal, buffered sidewalks will provide circulation between each of the proposed buildings and the existing apartments on the northern side of the Property. A traffic signal with crosswalks will be provided at the intersection of Stone Spring Street and Rock Spring Drive to provide a safe pedestrian environment for Walter Johnson High School students.

Vehicles will access the development from Old Georgetown Road, or from a signalized intersection at the intersection of Rock Spring Drive and Stone Spring Street. Phase 3 will introduce an internal grid of private roads, allowing vehicles and pedestrians to circulate efficiently through the proposed development. Parking garage entrances and loading areas will be located wherever possible to minimize disruptions to the pedestrian environment while still accommodating safe vehicular movements. Parking will be provided where possible along the private roads.

4. each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The Site Plan Amendment proposes to reallocate some of the approved, but unbuilt, residential density from the adjacent proposed Phase 2 high-rise residential towers to the lower-scale mixed-use buildings in Phase 3. The mixed-use Phase 3 development will complement the existing retail uses at the adjacent Old Georgetown Square Shopping Center and provide a variety of additional amenities for residents of the existing Phase 1 apartment complex to the north. The height of the proposed buildings along Rock Spring Drive, at a maximum of seven stories, provide an appropriate transition between the proposed Phase 2, high-rise residential towers and the lower rise Old Georgetown Square Shopping Center⁷ and Walter Johnson High School to the south.

5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

As described in Preliminary Plan finding No. 4, the Site Plan Amendment meets all the requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

⁷ Georgetown Square Shopping Center is within the CRT-1.5, C-1.0, R-0.75, H-75 Zone and building heights up to 75 feet are allowed.

SECTION 9: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on November 29, 2018 to discuss the Preliminary Plan Amendment application which was submitted prior to the Site Plan Amendment applications. The Applicant held another pre-submittal public meeting on February 5, 2020 related to the Preliminary Plan and Site Plan Amendments. The Applicant has complied with all other submittal and noticing requirements.

As of the date of this report, Staff received several emails concerning this application (Attachment L). Most of the emails are from an engineer that previously worked on the Rock Spring Centre project while employed with Vika Maryland, LLC. When he first contacted Staff, the engineer was concerned because his name (and updated contact information) was listed as the Rock Spring Centre project engineer on the Planning Department's Development Information webpage. The error was corrected when Staff was made aware of the issue. The engineer then contacted Staff with additional questions about the information listed on the Planning Department's Development Information website, and about notices for the Planning Board hearing in response to the engineer's concerns, Vika Maryland sent a letter to Staff addressing the issue. A few days before posting of the Staff report, the engineer requested a delay of the Planning Board hearing because he would be out of the country on the scheduled hearing date. The engineer's concerns appear to be the result of a clerical error that have since been corrected and Staff considers this issue to be resolved. The Planning Board Chair denied the request to postpone the hearing.

Staff also received one email from a resident of the Phase 1 apartment complex abutting the proposed Phase 3 development. The neighbor's concerns are listed below with a response from Staff:

- Lack of notice

Staff response: As required by the Zoning Ordinance, notice was sent to the Property/Leasing Manager of the Montgomery Apartments at the time the applications were submitted.

- Forest removal

Staff response: The amended FCPs propose to retain 6.20 acres and remove 19.27 acres of forest (including forest already removed for the Phase 1 development). The proposed forest clearing generates a reforestation requirement of 11.69 acres. This amount is reduced by a maximum allowable 2.34-acre Credit for Landscaping previously provided with the Phase I development of the Rock Spring Centre (FFCP No. 820090030), leaving a reforestation requirement of 9.36 acres.

- Construction noise

Staff response: The construction will be subject to the Noise Ordinance and will be handled by DPS.

- Financial burden and the perceived need for a new shopping center

Staff response: Preliminary and Site Plan findings of approval do not address financial aspects of a project or the perceived need for a certain type of development.

- Traffic burden caused by the new development

Staff response: These Applications do not increase the density on the Property beyond what the Planning Board previously approved. Traffic was analyzed with the original Preliminary Plan and the Applicant has already constructed, or funded, all of the transportation infrastructure required by the traffic analysis.

SECTION 10: CONCLUSION

As conditioned, Preliminary Plan Amendment No. 11998092C and Site Plan Amendment Nos. 82003036C, 82004017C, and 82009003A each satisfy the applicable findings for approval under the Subdivision Regulations and the Zoning Ordinance. Each application substantially conforms to the recommendations of the *Rock Spring Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan Amendment No. 11998092C and Site Plan Amendment Nos. 82003036C, 82004017C, and 82009003A with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Prior Approvals

Attachment B: Preliminary Plan Amendment No. 11998092C

Attachment C: Site Plan Amendment No. 82003036C

Attachment D: Site Plan Amendment No. 82004017C

Attachment E: Site Plan Amendment No. 82009003A

Attachment F: Preliminary Forest Conservation Plan 11998092C

Attachment G: Final Forest Conservation Plan 82009003A

Attachment H: Binding Elements

Attachment I: Variance Request

Attachment J: Regulatory Extension Request

Attachment K: Agency Letters

Attachment L: Community Correspondence