

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB 17 2023

MCPB No. 23-007  
Site Plan No. 82009003A  
**Rock Spring Centre**  
Date of Hearing: January 26, 2023

## RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on March 30, 2011, the Planning Board, by Resolution MCPB No. 11-16, approved Site Plan No. 820090030 for or a mixed-use development with 210,000 SF of retail, 549,900 SF of office, 90,000 SF of below grade entertainment facilities, a 200-room hotel, and 161 residential dwelling units (including 44 MPDUs), on a 30.17-acre portion ("Property" or "Subject Property") of the 53.4 acres Davis Camalier property, located at the northwest corner of the intersection of Old Georgetown Road and Rock Spring Drive, in the 1992 North Bethesda/Garrett Park Master Plan area; and

WHEREAS, on July 1, 2020, Floyd E. Davis Company and Rock Spring Properties ("Applicant") filed an application for approval of an amendment that supersedes the previously approved site plan with a mixed-use project with up to 133,100 square feet of retail uses and up to 614 dwelling units (with 18% MPDUs) on the Subject Property in the 2017 Rock Spring Centre Sector Plan area; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82009003A, Rock Spring Centre ("Site Plan," "Amendment," or "Application"); and

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 13, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 26, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hill, seconded by Vice Chair Presley, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, Commissioners Branson, Hill, and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82009003A for a mixed-use project with up to 133,100 square feet of retail uses and up to 614 dwelling units with the following conditions, which supersede all prior conditions of approval:<sup>1</sup>

### **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.

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<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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 180<sup>th</sup> 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 180<sup>th</sup> 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 0.58-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 180<sup>th</sup> 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 180<sup>th</sup> 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 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 under 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 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 under 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 improvements as determined by MCParks, at Cabin John Regional Park; or 2) furnish and install lighting for one field at Cabin John Regional Park under 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, as required for each phase trigger listed in Condition Nos. 8b, 8c, or 8d.

9. Estate House

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 Certified Site Plan, 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 provided 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 provided 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.
- a) The Applicant must provide 20 long-term and one short term bicycle parking space for the non-residential uses.
- b) 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).
- c) The Applicant must provide one bicycle repair station for each residential building.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of 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 provided 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Rock Spring Centre, Site Plan Amendment No. 82009003A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

- 1. The 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 Site Plan conforms to the applicable binding elements of Local Map Amendment G-713 as listed in the 1992 *North Bethesda/Garrett Park Master Plan*.

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

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

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Overall Rock Spring Centre Development (DPA- 99-1)</b>	<b>Phase III (Site Plan Amendment 82009003A)</b>
<b>Site Area (min)</b>	20 acres	53.4 acres	19.76 acres
<b>Prior Dedication</b>	n/a	2.86	n/a
<b>Proposed Dedication</b>	n/a	0.35 acres	0.35 acres
<b>Net Site Area</b>	n/a	50.19 acres	19.41 acres
<b>Density (max)</b>			
<b><u>Residential</u></b>	44 units/acre; 75 units/acre <sup>1</sup>	1250 units (23.4 units/acre)	614 units
<b><u>Nonresidential</u></b>			
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
Entertainment	n/a	90,000 sf	0 sf
<b><u>Total Nonresidential</u></b>	0.75 FAR	1,079,900 sf (.046 FAR)	133,100 sf
<b><u>Density</u></b>			
<b>MPDU requirement (min)</b>	18%	227 MPDUs (18%)	18%
<b>Building Height (max)</b>	n/a	10 stories	7 stories (80 feet)
<b>Green Area (min.)</b>	40%/50% <sup>2</sup>	40%/50% <sup>2</sup> TBD at site plan	53% of Site Plan area 459,926 sf
<b>Minimum Setbacks</b>			
Front		Determined at site	0
Side		plan	0
Rear	n/a		0

<sup>1</sup> 44 units per acre in an all-residential area or 75 units per acre in a commercial/industrial area.

<sup>2</sup> 40% for commercial industrial areas, 50% for residential areas

**Residential Vehicle Parking Requirements<sup>1</sup>**

Residential Parking (Per CR Zone)	Units	Minimum Required	Maximum Allowed	Minimum Parking	Maximum Parking	Parking Provided in Garages
<b>Parcel Q/ Bldg C MF (Total Up To 312 Units<sup>2</sup>)</b>						
<b>Market Rate</b>						
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	
<b>MPDU</b>						
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	
<b>Total</b>	<b>312</b>		<b>Total Parcel Q</b>	<b>283.5</b>	<b>372</b>	<b>320</b>
<b>Parcel N/ Bldg D MF (Total Up To 312 Units<sup>2</sup>)</b>						
<b>Market Rate</b>						
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	
<b>MPDU</b>						
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	
<b>Total</b>	<b>312</b>		<b>Total Parcel N</b>	<b>284</b>	<b>378</b>	<b>341</b>

<sup>1</sup> 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).

<sup>2</sup> 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.

*Commercial Vehicle Parking Requirements<sup>1</sup>*

	SF	min rate	min pkg	max rate	max pkg	Parking Provided in Garages	Parking Provided Surface Parking
<b>Parcel P Non-residential</b>							
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		
<b>Total Parcel P</b>			<b>283.80</b>		<b>501.42</b>	<b>121.00</b>	<b>194.00</b>
<b>Parcel Q Non-Residential</b>							
retail	35,600	3.5	124.600	6	213.600	133	0
<b>Parcel N Non-Residential</b>							
retail	20,900	3.5	73.150	6	125.400	129	0
<sup>1</sup> 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)							

*Total Vehicle Parking Requirements*

	Spaces Required (min/max)	Spaces Provided
Residential	568/750	661
Non-Residential	482/840	577
<b>Total Required:</b>	<b>1,049/1,590</b>	<b>1,238</b>

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

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

**4. The 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 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 bases of both mixed-use buildings are 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 six-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. A privately owned, publicly accessible 0.58-acre urban park is located adjacent to the central wooded area. The urban park provides 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 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 development is 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 new 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 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.

***5. Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.***

The Site Plan Amendment proposes to reallocate some of the previously approved, but unbuilt, residential density from the adjacent 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 buildings along Rock Spring Drive, at a maximum of seven stories, provide an appropriate transition between the Phase 2 high-rise residential towers and the lower rise Old Georgetown Square Shopping Center<sup>2</sup> and Walter Johnson High School to the south.

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<sup>2</sup> 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.

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

***a) Chapter 22A, Forest Conservation***

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Site Plan Amendment complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

***i. 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.

***ii. Environmental Guidelines***

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 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 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 Phase 2 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*.

**iii. 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 Planning Board approves the amended Preliminary and Final Forest Conservation Plans (FCPs) submitted concurrently with Preliminary Plan 11998092C and Site Plan 82009003A. 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. 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 retain 6.20 acres and remove 19.27 acres of forest (including forest already removed). The 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 will 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 will 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 on-site reforestation of 1.17 acres was previously approved, plus the 0.37 acres of additional on-site reforestation included with 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.

As part of associated Preliminary Plan Amendment No. 11998092C, the Board approved the Applicant's variance request 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. The Board required mitigation for the removed trees to include 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.

**iv. 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.

**b) Chapter 19, Erosion, Sediment Control, and Stormwater Management**

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 18, 2022. The plan will meet stormwater management requirements through the use of micro-bioretenion, roof top disconnect and modular wetland facilities.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 17 2023 (which is the date that this resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Hill, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, and Commissioners Hill, Piñero, and Presley voting in favor of the motion, Commissioner Branson necessarily absent, at its regular meeting held on Thursday, February 16, 2023, in Wheaton, Maryland.

  
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Jeffrey Zyontz, Chair  
Montgomery County Planning Board

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Rock Spring Centre: Preliminary Plan  
Amendment No. 11998092C, Site Plan  
Amendment Nos. 82003036C,  
82004017C, 82009003A