

ELP BETHESDA AT ROCK SPRING PHASE 1B AND 2

SITE PLAN NOS. 82022012A AND 820240130 AND FOREST CONSERVATION PLAN NO. F20240740



Description

Request to construct Phase 2 of a Continuing Care Retirement Community with up to 1,150,100 sf of total development, including up to 700 independent living units, retail space and associated facilities and amenities; request to amend Phase 1B to defer construction of the Marketing Center from Phase 1B to Phase 2, and add lighting along the asphalt path at the south side of the site.

Nos. 82022012A, 820240130,
and F20240740
Completed: 10-14-2024

MCPB
Item No. 6
10-24-2024

Montgomery County
Planning Board
2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Parker Smith, Planner II, Midcounty Planning, Parker.Smith@montgomeryplanning.org,
301-495-4569



Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org,
301-495-4539



Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org,
301-495-4653

LOCATION

10400 Fernwood Road, Bethesda

MASTER PLAN

Rock Spring Sector Plan

ZONE

CRF 1.5, C-0.75, R-1.5, H-150

PROPERTY SIZE

33.64 acres

ACCEPTANCE DATE

July 19, 2024

REVIEW BASIS

Chapter 22A & Chapter 59

Summary:



Staff recommends approval with conditions.

- On July 27, 2021, the Subject Property received approval of a multi-phased Continuing Care Retirement Community (CCRC), with up to 2,353,236 square feet of total development, including 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses. The approval also included a new urban park along Fernwood Road, restoration and development into a linear open space along Thomas Branch, and a woodland open space at the west of the Property.
- Subject Site Plan Amendment 82022012A proposes to amend Phase 1B to defer the development of the Marketing Building from Phase 1B to Phase 2, as well as add lighting along the path that runs parallel to the Thomas Branch linear open space.
- The Subject Application proposes the development of Phase 2 of a Continuing Care Retirement Community. Phase 2 includes up to 1,150,100 sf of development, including up to 700 independent living units and 5,300 sf of retail. Phase 2 includes the development of four high-rise buildings as well as the Marketing Building.
- Staff supports the Applicant's request for a parking waiver to allow more than the maximum number of parking spaces in Phase 2.

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SECTION 1: EXECUTIVE SUMMARY

In 2018, Sectional Map Amendment H-126, which implemented the recommendations of the 2017 *Rock Spring Sector Plan*, rezoned the Subject Property to CR-1.5, C-0.75, R-0.75, H-150. On June 9, 2020, the County Council approved Local Map Amendment (LMA) H-135, by Resolution 19-492, to rezone the Property to CRF-1.5, C-0.75, R-1.5, H-150 to allow for a Continuing Care Retirement Community (CCRC) on the old Marriott Headquarters in North Bethesda (or appropriate vicinity reference).

On July 27, 2021, the Planning Board approved Sketch Plan No. 320210030 and Preliminary Plan No. 120210040. These plans proposed the development of up to 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses on the Subject Property. The overall project includes six high-rise residential buildings with a maximum height of 150 feet, as well as a Marketing building, with a maximum height of 23 feet, near the intersection of Rock Spring Drive and Fernwood Road. Parking for the development is provided in an existing above-grade parking garage that was retained from the Property's previous use as the Marriott Headquarters, as well as in a below-grade parking garage that sits below the buildings of Phase 2. The overall project also includes a new grid of private roads and a network of open spaces that include a public park to be dedicated to the M-NCPPC Department of Parks (Montgomery Parks) at the east of the Property (the Urban Park), the Thomas Branch Linear Open Space at the south of the Property, and the Woodland Hill Open Space at the west of the Property.

Site Plan No. 820210190 approved the development of Phase 1A, which included the first two high-rise residential buildings at the west of the Property (RB1.1 and RB1.2), the creation of a private road running south from the intersection of Rockledge Drive and Fernwood Road, and the development of the Woodland Hill Open Space and the Urban Park to be dedicated to Montgomery Parks. Phase 1A is currently under construction and is unaffected by the Subject Applications.

Site Plan No. 820220120 approved the development of Phase 1B, which included the restoration and development of the Thomas Branch Linear Open Space, as well as the construction of the Marketing Building at the intersection of Rock Spring Drive and Fernwood Road.

The Subject Applications include the following plans:

- Site Plan Amendment No. 82022012A – Phase 1B
 - o Proposes to defer the construction of the Marketing Building from Phase 1B to Phase 2.
 - o Will continue to include the restoration and development of the Thomas Branch Linear Open Space, with the only change being the addition of lighting along the open space's primary path.

- Site Plan No. 820240130 – Phase 2
 - o Proposes the development of Phase 2 of the overall project, including 700 independent living units in four residential high-rise buildings, an east-west private road, and the Marketing Building, which is deferred to Phase 2 as part of Subject Site Plan Amendment 82022012A as discussed above.

- Forest Conservation Plan No. F20240740 – Phase 1A, 1B, 2, and 3
 - o Proposes to fully update and supersede the previously approved Forest Conservation Plan. The Subject Forest Conservation Plan covers the entirety of the overall project, including Phases 1A, 1B, 2, and future Phase 3.

The final phase of the project, Phase 3, will require future site plan approval. Phase 3 includes the development of the Health Center, which will contain up to 210 assisted living/memory care units and 50 skilled nursing units.



Figure 1 - Rendering of Approved Sketch Plan No. 320210030

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SITE PLAN 820240130 – PHASE 2

Staff recommends approval of Site Plan No. 820240130. The development must comply with the binding elements for Local Map Amendment LMA H-135, as listed in County Council Resolution 19-492 dated June 9, 2020; and the conditions of approval for Sketch Plan No. 320210030, as listed in MCPB Resolution No. 21-075 dated July 27, 2021 and Preliminary Plan No. 120210040, as listed in MCPB Resolution No. 21-074 dated July 27, 2021, all as may be amended.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

DENSITY, HEIGHT AND HOUSING

1. Density

The Site Plan is limited to a maximum of 1,150,100 square feet of total development with up to 1,144,800 sf of Residential Care Facility uses for up to 700 independent living units and 5,300 square feet of retail uses.

2. Height

The development is limited to a maximum height of 115 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 (DHCA) in its letter dated September 27, 2024 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations 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 a minimum of 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential units, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

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.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines (2017)* for each one. This condition includes only the Public Benefit categories that are included as part of Phase 2.

a) Major Public Facilities

- i. Prior to issuance of final use and occupancy permit, the Applicant must provide documentation to Montgomery County Public Schools that space has been provided for the Learn Grow Lead program within the project.

b) Quality Building and Site Design

- i. Structured Parking –The Applicant must provide a maximum of 695 proposed parking spaces, associated with Phase 2, within a below-grade structure. The final number of parking spaces will be shown on the Certified Site Plan.

c) Diversity of Uses and Activities

- i. Enhanced Accessibility for the Disabled - The Applicant must construct 700 dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

d) Protection and Enhancement of the Natural Environment

- i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 2.738 BLTs to the MCDPS and M-NCPPC staff.

5. M-NCPPC Department of Parks

- a) The Marketing Building (previously referred to as Phase 1B building) must contain restrooms that are available to users of the adjacent M-NCPPC Urban Park during the hours that the retail establishment is operational.
- b) Any work on existing or future parkland including the M-NCPPC Urban Park provided as part of Phase 1A requires an approved Park Construction Permit.
- c) Before the Use and Occupancy Permit for the Marketing Building, the Applicant must provide a Maintenance Access Easement to the M-NCPPC Department of Parks (Parks) over the paved walkway from Thomas Spring Way to the entrance to the M-NCPPC Urban Park from the paved walkway. The Easement must provide access for Parks staff and vehicles to the M-NCPPC Urban Park and be in a form and substance approved by the M-NCPPC Office of General Counsel.

6. Recreation Facilities

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 sidewalks, walking paths and trails, benches and landscaping.

8. Noise Attenuation

- a) Before issuance of the first residential building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - i. The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn in building RB2.4, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the Site Plan which affect the validity of the noise analysis dated July 31, 2020, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units including those in building RB2.4, 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.
- d) For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective residents/purchasers that those homes/units are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, leases or other forms of conveyance of any interest in or right to occupy the units, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.
- e) All noise impacted units must be clearly identified on the Certified Site Plan.

9. 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 September 16, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations 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.

10. 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 June 10, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District (TMD).

11. Private Roads

The Applicant must provide Private Road Rock Spring Drive, including any sidewalks, 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) 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 in the Montgomery County Code § 50-4.3.E et seq regarding private roads. 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, 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 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 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.
- d) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, 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.

12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 30 long-term and 2 short-term bicycle parking spaces as part of Phase 2.

- b) The long-term spaces must be in secured, well-lit bicycle parking areas in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station.

13. Fire Department Access

- a) 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 September 26, 2024 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before release of the final U&O, the Applicant must submit to DPS staff an engineer's certification that the Fire Department Access was constructed and installed as shown in the approved Fire Department Access Plan.

SITE PLAN

14. 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.

15. 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 proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

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

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

17. Development Program

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

18. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution 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) Include approved Fire Department Access 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) Add a note to the Site Plan stating that “Any work on existing or future parkland including the M-NCPPC Urban Park provided as part of Phase 1A requires an approved Park Construction Permit.”
- g) Add a note stating that “Any work on existing or future parkland including the M-NCPPC Urban Park on Lot 2 requires an approved Park Construction Permit.”
- h) Show noise impacted units.

SITE PLAN AMENDMENT 82022012A – PHASE 1B

Staff recommends approval of Site Plan Amendment No. 82022012A. The development must comply with the binding elements for Local Map Amendment LMA H-135, as listed in County Council Resolution 19-492 dated June 9, 2020; and the conditions of approval for Sketch Plan No. 320210030, as listed in MCPB Resolution No. 21-075 dated July 27, 2021, and Preliminary Plan No. 120210040, as listed in MCPB Resolution No. 21-074 dated July 27, 2021.

All site development elements shown on the latest electronic version of the Site Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.² The conditions below supersede all prior conditions of approval.

DENSITY AND HEIGHT

OPEN SPACE, FACILITIES AND AMENITIES

1. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines (2017)* for each one. This condition includes only the Public Benefit categories that are included as part of Phase 1B.

a) Quality Building and Site Design

Public Open Space –The Applicant must provide a minimum of 5.37 acres (233,917 square feet) of public open space on the Property with Phase 1B. Prior to the final use and occupancy permit for Phase 1B, the public open space must be completed and open to the public. Within one growing season after issuance of the final use and occupancy permit for Phase 1B, all landscaping must be installed.

2. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, walking path, trails, benches and landscaping.

ENVIRONMENT

3. 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 January 7, 2022 and revised on May 23, 2024 and

² 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.

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

SITE PLAN

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

5. Site Plan Surety and Maintenance Agreement

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, retaining walls, fences, railings, private roads and sidewalks, paths and associated improvements of development, including storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

6. Development Program

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

7. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution 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) Include approved Fire Department Access 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) Update development program to reflect this approval.

FOREST CONSERVATION PLAN F20240740

Staff recommends approval by adding or modifying the conditions as noted below. All other conditions of approval for Final Forest Conservation Plan No. 820220120 remain valid, unchanged and in full force and effect³.

Modified Conditions

10. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3.5 caliper inches totaling at least ~~249.75~~ 293 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.

New Conditions

13. Within the first planting season following the stabilization of the applicable disturbed area inside of the LOD, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the Afforestation/Reforestation plantings for planting areas inside the LOD, as shown on the approved FCP.
14. Before the approval of the Certified Forest Conservation Plan, the Applicant must update the five-year Maintenance and Management Agreement (“MMA”) to include all changes to the approved variance trees.

³ Forest Conservation Plan conditions were covered by Condition 6 of Site Plan 820220120. Condition 6.a through 6.l have been renumbered to be conditions 1 through 12 of Forest Conservation Plan F20240740 as part of the Subject Applications. Condition 6.j, the only modified condition, will now be Condition 10 of Forest Conservation Plan F20240740. Other than renumbering, all other Forest Conservation Plan conditions remain unchanged and in full force and effect.

SECTION 3: SITE DESCRIPTION

VICINITY

The area surrounding the Subject Property is largely commercial in character and includes multiple office buildings to the north and east. West of the Subject Property is Interstate-270 (“I-270”), and to the west of I-270 is Westfield Montgomery Mall, a hotel, a Home Depot and a car dealership, as well as a recently constructed multifamily residential building. Across Fernwood Road from the Subject Property is a former office park that has been redeveloped into the Montgomery Row townhouse community.



Figure 2 – Vicinity Map

PROPERTY DESCRIPTION

The 33.64-acre Property, identified as Lot N737 Rock Spring Park, Part of Parcels 6 and 12, is the former location of Marriott International Headquarters. It is located at 10400 Fernwood Road and bordered by the I-270 spur to the west, Fernwood Road to the north and east, and an office park/hotel complex to the south. Two large office park complexes and a townhouse development are located on the north side of Fernwood Road, opposite the Property.

The Property was previously improved with the former 775,000-square-foot Marriott Headquarters office building, located towards the center of the Property, and a three-level curvilinear structured parking garage located on the western side of Property. Construction is underway on Phase 1A of the Project, which includes residential Buildings RB2.1, RB2.2, and RB2.3, a private road that extends south from the intersection of Rockledge Drive and Fernwood Road, and the renovation of the existing parking structures at the west of the property to serve the parking needs of Phase 1A.

The Thomas Branch stream runs along the southern boundary of the Property which also contains areas of wetland and FEMA designated floodplain. The Property is located within the Cabin John Creek watershed. The site drains primarily south to the Thomas Branch tributary of Cabin John Creek, which is classified by the State of Maryland as Use I-P waters. There are no forested areas onsite, but the Property contains a number of specimen trees. There are areas of steep slopes, 25% and greater, located primarily on the south and west portions of the Property.

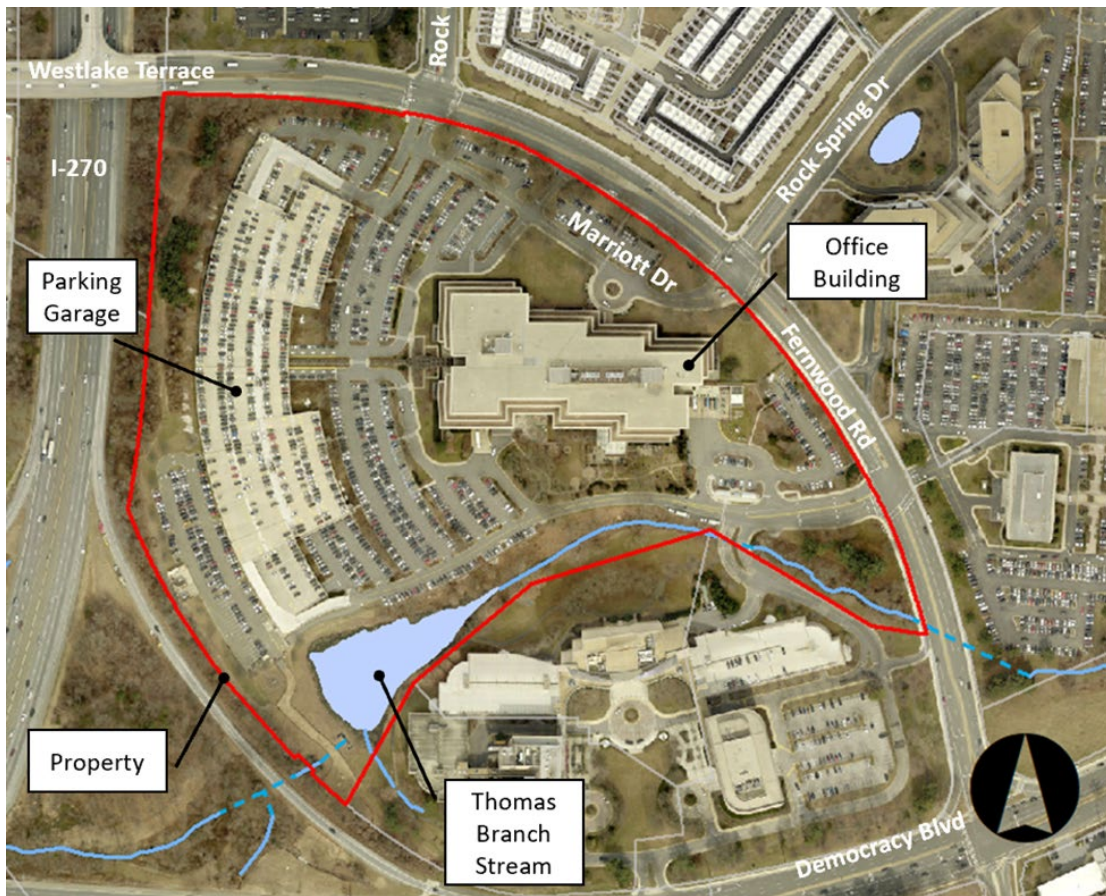


Figure 3 – Aerial View of Subject Property, as previously improved as the Marriott Headquarters



Figure 4 – View of construction progress on the Subject Property, taken in July of 2024

The Property fronts on Fernwood Road, which turns into Westlake Terrace heading west of Rockledge Drive, towards the bridge over the I-270 spur. Access to the overall Property is currently provided by four existing driveways, including three signalized, full-movement access points on Fernwood Road. The southernmost entrance is located at a signalized intersection with a shared access drive that also provides access to Bethesda Marriott Suites and the office complex (the “Camalier Property”) located directly south of the Property; this entrance leads to employee parking and loading areas.

The signalized Fernwood Road and Rock Spring Drive intersection serves as the primary entrance to Marriott International. An entrance at the signalized intersection of Rockledge Drive and Westlake Terrace/Fernwood Road provides access to the property. An additional right-in, right-out only driveway is located on Fernwood Road between Rockledge Drive and Rock Spring Drive.

There are three bus stops along the Property frontage. The existing sidewalk along Fernwood Road and Westlake Terrace is six-to-seven feet wide.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

The former office complex was the subject of Site Plan Nos. 819841670, 819850860, and 819940180, all approved under the Property's former I-3 Zone. The Subject Site Plan, designated No. 820210190, invalidates and supersedes these prior site plan approvals.

In 2018, Sectional Map Amendment H-126, which implemented the recommendations of the 2017 *Rock Spring Sector Plan*, rezoned the Property to CR-1.5, C-0.75, R-0.75, H-150. On June 9, 2020, the County Council approved Local Map Amendment (LMA) H-135, by Resolution 19-492, to rezone the Property to CRF-1.5, C-0.75, R-1.5, H-150 to allow for a Continuing Care Retirement Community (CCRC). LMA H-135 was approved with the following binding elements:

1. Provide 1.5 acres of contiguous open space along Fernwood Road, to be improved as a park.
2. Provide a minimum of 5,000 square feet of retail space.
3. Provide at least one major public facility that meets master plan guidance, as defined in Section 4.7.3.A of the Zoning Ordinance, with details determined by the Montgomery County Planning Board at Sketch and Site Plan Review.
4. The project will satisfy the use restrictions of the Residential Care Facility pursuant to Zoning Ordinance Section 3.3.2.E.

On July 27, 2021, the Planning Board approved Sketch Plan No. 320210030, by Resolution MCPB No. 21-075, and Preliminary Plan No. 120210040, by Resolution MCPB No. 21-074. Sketch Plan No. 320210030 approved a maximum density of 2,353,236 square feet of total development on the Subject Property, with a maximum building height of 150 feet (Figure 3).

Preliminary Plan No. 120210040 approved the creation of two lots for up to 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses. One lot is devoted to the Urban Park to be dedicated to M-NCPPC and the other lot will contain the CCRC and associated facilities and amenities.

The Phase 1A Site Plan, No. 820210190, approved by the Planning Board on March 10, 2022 by Resolution MCPB No. 22-014 allows up to 928,844 square feet of development, including 512 independent living units, associated facilities and amenities, and the new Urban Park to be dedicated to M-NCPPC. Site Plan No. 820210190 invalidated and superseded all prior site plan approvals on the Property.

The Phase 1B Site Plan, No. 820220120, approved by the Planning Board on June 9, 2022 by Resolution MCPB No. 22-055 allowed the construction of a 5,700 square-foot marketing building,

including 3,800 square feet of Residential Care Facility uses (for the marketing center) and 1,900 square feet of retail/restaurant uses and the development of a 5.37-acre privately-owned linear park (Thomas Branch Stream Linear Park).

PROPOSAL

The CCRC (“Project”) will be constructed in three phases, with the first phase split into two sub-phases, Phases 1A and 1B. The Subject Application includes Phase 2, shown in red in Figure 1, and amends Phase 1B, shown in blue in Figure 1.

The Subject Application proposes to defer the development of the Marketing Building from Phase 1B to Phase 2. Following the shift of the Marketing Building to Phase 2, the Subject Application includes the following key features:

- Four residential buildings, RB2.1, RB2.2, RB2.3, and RB2.4, with 700 total independent living units; and associated facilities and amenities;
 - RB2.1 – 172 units and a height of 90 feet
 - RB2.2 – 233 units and a height of 115 feet
 - RB2.3 – 164 units and a height of 115 feet
 - RB2.4 – 131 units and 3,400 square feet of retail, height of 80 feet
- A marketing building near the intersection of Rock Spring Drive and Fernwood Road, containing 1,900 square feet of retail space and 3,800 square feet of marketing space, which is counted as residential square footage; and
- Private road connecting the north-south internal road to the west with the intersection of Rock Spring Drive and Fernwood Road to the east.

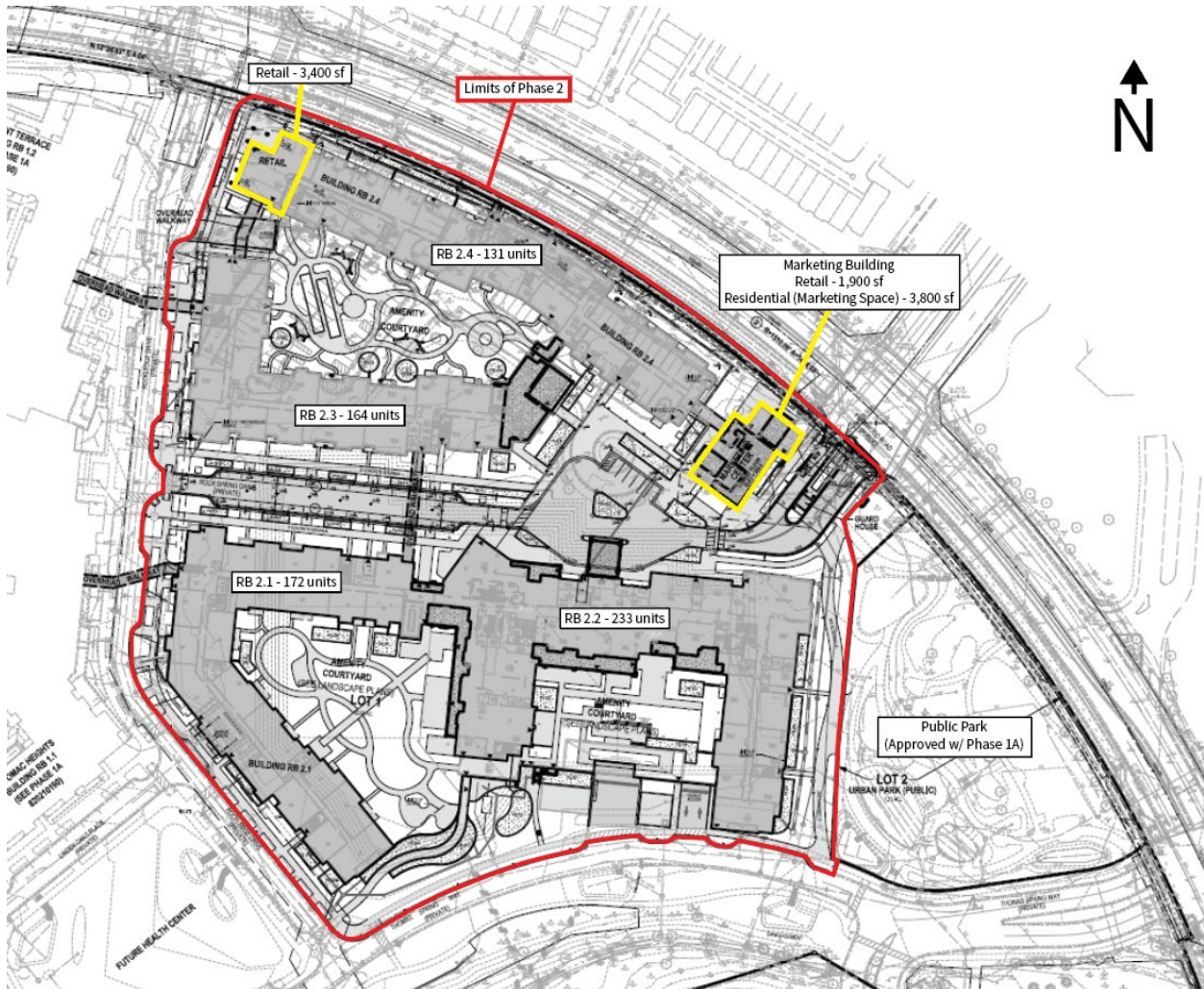


Figure 5 - Phase 2 Site Plan

BUILDINGS/ARCHITECTURE

The Rock Spring at Bethesda development will further the Sector Plan's vision by transforming the former Marriott Headquarters site into a walkable, urban, mixed-use senior living campus. This development creates a network of well-framed streets, accessible tree-lined sidewalks, and open spaces that residents and the greater Rock Spring community can use.

The Urban Park and the reconstruction of Fernwood Road along the property frontage to accommodate a road diet with enhanced sidewalks and bicycle facilities have been delivered as part of the first phase of this development. These elements will significantly improve the area and benefit future residents and the greater community.



Figure 6 – Bird’s Eye View Looking Southwest

The second phase of this development has been designed to be visually distinct but complementary to the architecture and design of the first phase. Thus, the Overall Project will read as the cohesive community that it is, but with varied building designs. The overall massing of the four buildings in this phase varies in height and material used to create a hierarchy in the Overall Project. There is also a variation in the window and balcony types to help create differences.

A unique building massing, located at the northeast corner of residential building 2.2, serves as a highly visible gateway feature for vehicles heading south on Rock Spring Drive. The northern corner façade of this building is designed to be more transparent, anchor the building, and relate to the architectural details of the low-rise Marketing Center, which will be visible in the foreground.

Similar to Phase 1, brick and metal panels are applied on the buildings at varying heights to step down the overall scale of the buildings and to reduce the impact of verticality by creating a clear delineation of the base, middle and top. Some balconies have been grouped and recessed into the façade while some are exposed creating a variation in the building façade.



Figure 7 – Marketing Building and RB2.2, Looking South from Intersection of Rock Spring Drive and Fernwood Road

Amenity spaces on the ground level receive storefront facades framed in metal panels to enhance the spatial experience from both the interior and the plaza/street side with visual expansion of the space through the transparent facade. Most of the common-resident shared functions such as dining, fitness, wellness, arts, activities, library, meeting spaces, indoor pool, and many other community purposes will be dispersed strategically amongst the buildings at ground level, with many such uses having a direct connection to the outdoor landscaped areas and internal courtyards, thus functioning as an extension to those interior spaces.

The layout of buildings form distinctive courtyards or "outdoor rooms" connected visually and physically to many of the indoor community spaces at the ground level. This approach creates a contiguous fabric of community activity at the ground level that promotes a community that is highly livable and walkable, all the while providing security and protection to its senior population.

Rooftop decks in several residential buildings provide semi-private outdoor space with a visual connection to the public plaza on the ground level. These outdoor spaces in conjunction with main amenity programs and architecture, will act not only as a focal point but also as gateway points of the entire development.

Elevated enclosed bridges between buildings are a necessary component given the senior population and will provide connectivity for the residents to move freely and safely between all the buildings year-round, through all seasonal weather conditions.

OPEN SPACE

The Project includes a robust and extensive network of open space features, many of which were approved as part of Phase 1A. The three main components of the Project's public open space system are the Urban Park, the Thomas Branch Linear Open Space, and the Woodland Hill Open Space, which together comprise 11 acres. Upon completion of the Project, these three areas will be linked together by a system of trails and walkways forming a necklace around the new community in this redeveloped site. The Urban Park and the Woodland Hill Open Space are part of Phase 1A, which was previously approved and is currently under construction. The Thomas Branch Linear Open Space is included in the Subject Application as part of Phase 1B. The Phase 1B Site Plan Amendment, 82019022A, will add lighting along the asphalt path that runs through the Thomas Branch Linear Open Space. Outside of the addition of lighting, the Subject Site Plan Amendment does not alter the design or details of the Thomas Branch Linear Open Space.



Figure 8 - Open Space Exhibit

TRANSPORTATION

Vehicular access to the site is provided via three existing signalized intersections along Fernwood Road at the intersections with Rockledge Drive, Rock Spring Drive, and Thomas Spring Way. As approved in Preliminary Plan No. 120210040, roads providing internal circulation within the site are private. Rockledge Drive, previously called 'Connector Internal Drive', provides the primary north to south circulation within the site and was largely constructed as part of previously approved Phase 1A (820210190). Thomas Spring Way, previously called 'Relocated Shared Entrance Drive', provides east to west circulation along the southern border of the site and was also largely constructed as part of Phase 1A of the development. Rock Spring Drive, previously called 'Central Internal Drive', provides central east to west circulation, and includes an at-grade plaza area adjacent to the proposed marketing center. This road will be constructed as part of this phase of development (Phase 2).

A below grade single-level parking structure with up to 695 parking spaces will be accessible within the site via three access points. Two are located along Rockledge Drive and a third is located on Thomas Spring Way. On-street parking will also be provided on all three private roads with a small number of parking stalls also provided within the at-grade plaza area adjacent to the proposed marketing center. A loading dock access is also provided adjacent to the parking garage access on Thomas Spring Way.

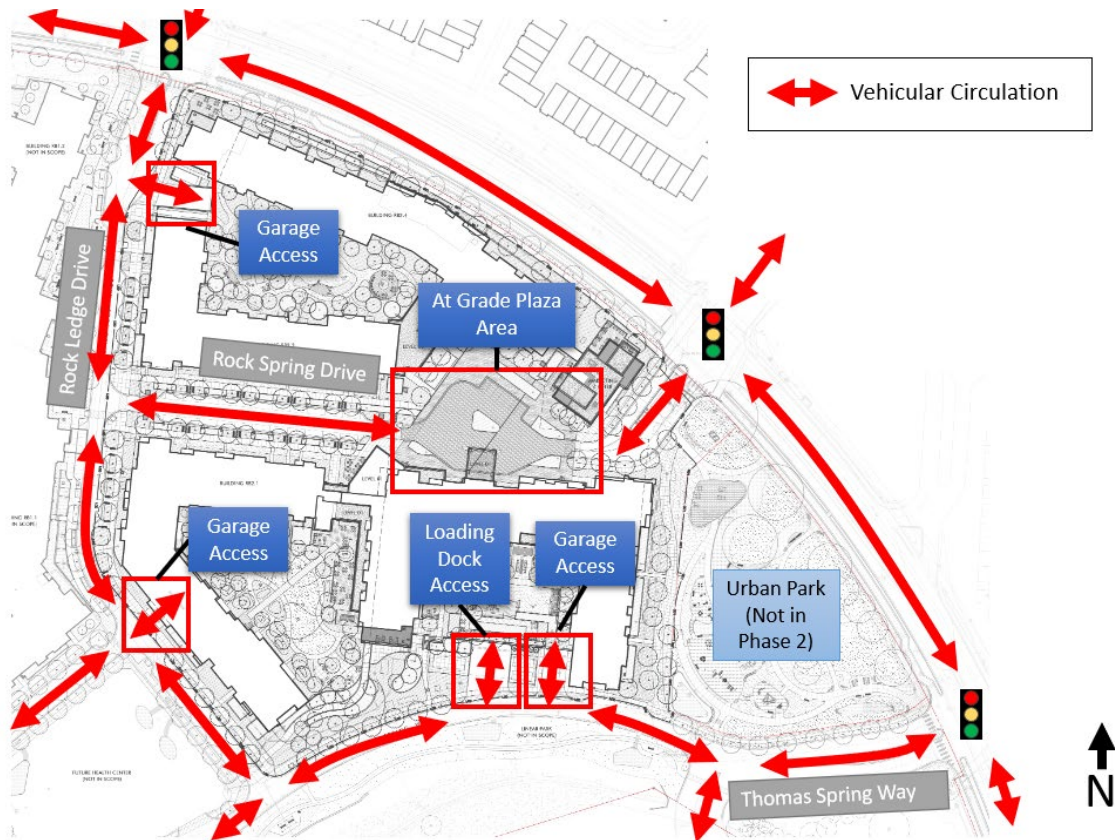


Figure 9 - Vehicular Circulation

Pedestrian and bicycle access will also be made via Fernwood Road via improved sidewalks and a two-way separated bike lane facility that are being constructed as part of Phase 1A of the development. Within the site, sidewalks will be provided on the private roads and there are several off-street pedestrian pathways. Two short-term bicycle parking spaces will be located near the intersection of Fernwood Road and Rockledge Drive, adjacent to building RB2.4. Thirty (30) long-term bicycle parking spaces will be provided within the parking garage in two bicycle rooms.

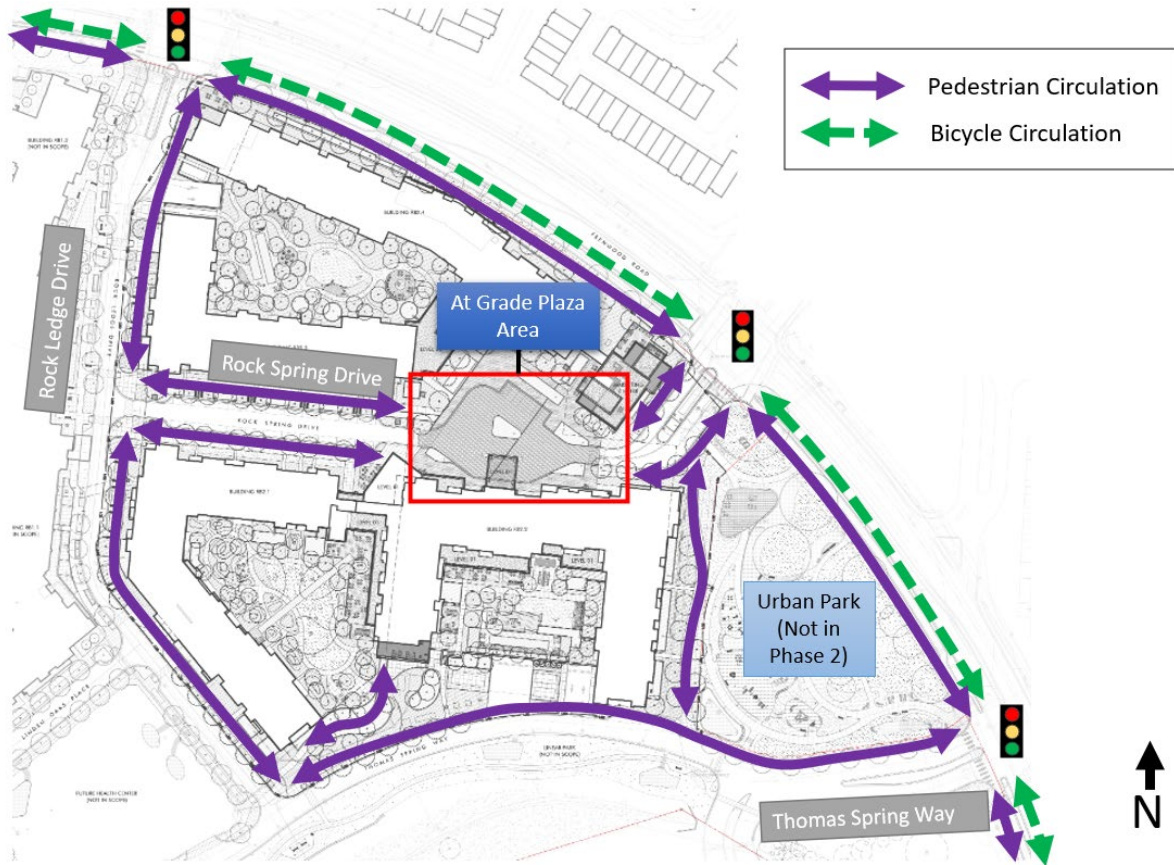


Figure 10 – Non-vehicular Circulation

The property is well served by existing and planned transit. Two bus stops are located along the property frontage which are served by the following routes:

- Ride On Route 6 operates Monday-Friday providing service between Parkside and Montgomery Mall Transit Center.
- Ride On Route 26 operates Monday-Sunday providing service between Glenmont Metrorail Station and Montgomery Mall Transit Center.
- Ride On Route 47 operates Monday-Sunday providing service between the Rockville Metrorail Station and the Bethesda Metrorail Station.
- Ride On Route 96 operates Monday-Friday providing service between Grosvenor Metrorail Station and Rock Spring Park, with midday service to Montgomery Mall Transit Center.

- Metrobus Route J2 operates Monday-Sunday providing service between Montgomery Mall and the Silver Spring Metrorail Station.

The site is also located just across I-270 from the Montgomery Mall Transit Center and is adjacent to the planned North Bethesda BRT corridor.

ENVIRONMENT

The Subject Applications meet all requirements of Chapter 22A – Forest Conservation Law. Environmental review for the Project is being conducted through Forest Conservation Plan (FCP) No. F20240740. Findings for the FCP detailing Chapter 22A compliance can be found on page 44.

SECTION 5: SITE PLAN 820240130 FINDINGS AND ANALYSIS

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

- a) satisfies any previous approval that applies to the site;**

The Site Plan satisfies Local Map Amendment LMA H-135, Sketch Plan No. 320210030, and Preliminary Plan No. 120210040 as listed in the MCPB Resolution No. 21-074 dated July 27, 2021. The Subject Application is not in conflict with the previously approved Site Plan 820190190 for development of Phase 1A.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;**

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;**

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

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

- i. Use Standards**

The Zoning Code classifies a Continuing Care Retirement Community (CCRC) as a Residential Care Facility (Over 16 Persons), which is allowed as a permitted use in the CRF Zone with no applicable use standards.

ii. Development Standards

Table 1: Data Table for CRF 1.5, C.75, R.1.5, H-150 Zone, Section 59.5.3.5

Development Standard	Permitted/ Required for Overall Project	Approved for Overall Project	Approved for Phase 1A	Approved for Phase 1B	Proposed for Phase 1B Amendment	Proposed for Phase 2
Tract Area	n/a	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF
Prior Dedication	n/a	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF
Park Dedication	n/a	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF
Site Area	n/a	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF
Residential Density	1.5 FAR/ 2,353,236 SF	1.497 FAR/ 2,347,936	0.60 FAR/ 928,844 SF	0.002 FAR/ 3,800 SF	0	0.73 FAR/ 1,150,100 SF
Independent Living Units	n/a	1,300	512	0	0	700
Assisted Living Units	n/a	160-210	0	0	0	0
Skilled Nursing Units	n/a	30-50	0	0	0	0
Commercial Density	0.75 FAR/ 1,176,618 SF	0.003 FAR/ 5,300 SF	0	0.001 FAR/ 1,900 SF	0	0.003 FAR/ 5,300 SF
Total Density	1.5 FAR/ 2,353,236 SF	1.5 FAR/ 2,353,236 SF	0.60 FAR/ 928,844 SF	0.003 FAR/ 5,700 SF	0	0.74 FAR/ 1,155,400 SF
MPDU requirement (independent living units)	15%	15%	15%	N/A	N/A	15%
Building Height, max	150 ft	150 ft	150 ft	N/A	N/A	150 ft
Public Open Space, min	10% / 3.36 acres	33%/ 11 acres	18%/ 6.05 acres	16%/ 5.37 acres	16%/ 5.37 acres	0
		(including 1.75-acre park dedication)	(including 1.75-acre park dedication)	(including 1.75-acre park dedication)	(including 1.75-acre park dedication)	0

iii. Public Benefits

In the CRF Zone, the Applicant is required to provide 100 Public Benefit points in four categories. In Phase 1B, the Applicant proposes 1.64 points in three categories, and in Phase 2 the Applicant proposes 73.26 points in four categories. Staff recommends approval of the proposed public benefit points, which brings the total provided public benefit points in the project to date to 181.43.

Table 2: Public Benefits

Public Benefit Category	Points Possible	Approved Overall Project	Approved Phase 1A	Proposed Phase 1B Amendment	Proposed Phase 2	Total Phases 1A, 1B, and 2	Remaining Phase 3
Major Public Facility	70						
Urban Park - 1.75 acres		10.97	10.97			10.97	
Extension of Bike Path		8.53	8.53			8.53	
Learn Grow Lead		25			25	25	
Transit Proximity	50	30	30			30	
Diversity of Uses							
Enhanced Accessibility for Seniors or the Disabled	20	20			20	20	
Quality Building and Site Design							
Architectural Elevations	10	5	5			5	
Exceptional Design	10	5	5			5	
Public Open Space	20	20	13.48	6.52		20	
Structured Parking	20	14.08*	9.71		4.37*	14.08*	
Protection and Enhancement of the Natural Environment							
Building Lot Termination	30	30	3.09	0.12	24.64	27.85	2.15
Cool Roof	10	5	10	-5		5	
Vegetated Area	10	10	10			10	
TOTAL		183.58	105.78	1.64	73.26	181.43	2.15

*Exact parking numbers have been updated since the time of Sketch Plan, resulting in an increase in points awarded for structured parking by 0.75 points for the overall plan. Phase 1A points have already been awarded, so the remainder of the overall points will be awarded as part of Phase 2.

Major Public Facility

- Learn Grow Lead: This program, in partnership with Montgomery County Public Schools (MCPS), provides exposure and training to a wide variety of career paths for nearby high school students, many of whom have decided not to pursue a college degree. Spaces for the Learn Grow Lead program will be provided throughout the overall project. The Learn Grow Lead “base” will be located in the Human Resources suite located on the Terrace level of RB1.1. Other multi-purpose areas located throughout the development will also be made available for the Learn Grow Lead program. Staff supports the awarding of 25 points in this category.

Diversity of Uses

- Enhanced Accessibility for the Disabled: The applicant proposes that all 700 independent living units will comply with the ANSI 117.1 Residential Type A Standards for accessibility. The Applicant requests, and Staff supports, the maximum of 20 points, using the calculation below:

$$(\text{ANSI 117.1 units}/\text{Total units}) * 300$$

$$(700/700) * 300 = 300$$

Maximum points awarded: 20 points

Quality Building and Site Design

- Structured Parking: The Applicant proposes a total of 695 parking spaces in a below grade parking structure. The Applicant requests, and Staff supports, the awarding of 3.62 points in Phase 2, which brings the total points awarded for the structured parking in this overall project to 13.33. Exact parking numbers have changed since the time of Sketch Plan, and the changes have resulted in the Applicant being eligible for slightly more Public Benefit points in this category, as shown below. In keeping with previous approvals, and to maintain a conservative estimate of the parking that will ultimately be provided, Staff supports the awarding of 4.37 points for Phase 2, and 14.08 points for the Project overall.

$$[(\text{Above-grade spaces}/\text{Total spaces}) * 10 + (\text{Below-grade spaces}/\text{Total spaces}) * 20]$$

$$[(1,011/1,706) * 10] + [(695/1,706) * 20] = 5.93 + 8.15 = 14.08$$

$$14.08 - 9.71 \text{ (points awarded as part of Phase 1A)} = 4.37$$

Protection and Enhancement of the Natural Environment

- BLTs: The Applicant must purchase 2.738 building lot termination easements, which will generate 24.64 public benefit points according to the following calculation:

$$((\text{Phase 2 Density} - \text{Standard Method Density}) * 0.75) / 31,500$$

$$= (1,150,100 * 0.075) / 31,500$$

$$= 2.738 \text{ BLTs} * 9 \text{ point per BLT} = 24.645 \text{ points}$$

iv. General Development Standards

(1) Division 6.1 Site Access

Vehicular access to the site is provided via three existing signalized intersections along Fernwood Road at the intersections with Rockledge Drive, Rock Spring Drive, and Thomas Spring Way. Within the site, these private roads provide internal circulation. Two of these roads were constructed as part of the Phase 1A development. Rock Spring Drive, previously called 'Central Internal Drive', will be constructed as part of this Phase 2 development.

Pedestrian and bicycle access will also be made via Fernwood Road via improved sidewalks and a two-way separated bike lane facility that are being constructed as part of Phase 1A of the development (820210190). Within the site, sidewalks are provided on both sides of the private roads buffered from the street.

(2) Division 6.2 Parking and Loading

A below grade single-level parking structure with up to 695 parking spaces will be accessible within the site via three access points. Two access points are located along Rockledge Drive and a third is located on Thomas Spring Way.

A total of 6 surface parking stalls will also be provided within the at-grade plaza area adjacent to the proposed marketing center. On-street parking spaces will be provided on all three private roads leading to a total of 22 on-street parking spaces.

The Applicant seeks a parking waiver, under Section 59-6.2.10, to exceed the maximum number of vehicle parking spaces allowed for the overall development. The 1,041 parking spaces constructed in Phase 1A of the development (1,011 structured spaces and 30 on-street spaces), combined with the 695 structured parking spaces included in Phase 2, results in a total of up to 1,706 off-street parking spaces for the overall development (Phases 1A, 1B and 2). The maximum number of parking spaces allowed for the overall development is 1,331 spaces. Therefore, the Applicant has requested a parking waiver to provide 375 spaces more than the maximum in connection with Phase 2. The Applicant has noted that the overall number of spaces is partially driven by the specifics of senior living facilities where older people associate giving up their automobiles with giving up their freedom and as a result, are very reluctant to part with their vehicles. This results in a high parking demand, but relatively low utilization of vehicles, where a portion of the cars remain unused for long periods of time.

The Applicant also noted that all the parking, except for a small amount of on-street parking, was either constructed in Phase 1A and will be completed as part of Phase 2. Phase 3 is not anticipated to have any additional off-street parking. Therefore, the parking ratio associated with the first two phases appears higher than the final build out. However, they still expect to be approximately 10% higher than the maximum number of parking spaces allowed for the development at full build-out.

Loading will occur via a loading dock access adjacent to the parking garage access on Thomas Spring Way. The loading dock area includes three loading spaces for Phase 2 and can safely accommodate WB-50 and SU-30 trucks. This is beyond the requirement of one loading space. The site will have a total of 6 loading spaces at full build out. Three loading spaces were previously approved and constructed as part of Phase 1A.

Table 3: Parking Requirements

Phase	On-Street Parking	Off-Street Parking (garage)	Off-Street Parking (surface)
Phase 1A	30	1,011	0
Phase 1B	0	0	0
Phase 2	22	695	6
TOTAL	52	1,706	6

(3) Division 6.3 Open Space and Recreation

Two of the project’s three major public open space components, the Urban Park and the Woodland Hill Open Space, were previously approved as part of Phase 1A. The third major component, the Thomas Branch Linear Open Space, is included in Phase 1B as part of Subject Site Plan Amendment No. 82022012A. The Amendment proposes to add lighting along much of the asphalt trail that runs parallel to Thomas Branch, but otherwise will not alter the design or details of this open space. The delivery of the Project’s open spaces has been prioritized in early phases of the development. Therefore all of the Project’s required public space is provided in Phases 1A and 1B, and there is none included in Phase 2.

The Application includes an analysis of on and off-site recreational facilities, demonstrating conformance with the Recreation Guidelines. All recreation facilities for the Project are provided as part of Phase 1A. The extensive on-site recreation facilities include a trail system, a bikeway, a dog cleaning station,

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

(4) Division 6.4 General Landscaping and Outdoor lighting

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

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Department of Permitting Services approved the Site Development Stormwater Management Plan for Phase 1B on May 23, 2024 and for Phase 2 on September 16, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenement and green roof.

ii. Chapter 22A, Forest Conservation;

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20240740.

iii. Chapter 31B, Noise Control.

As part of the Preliminary Plan for the overall project, a Noise Analysis was prepared for the Property by Phoenix Noise and Vibration, LLC, and the results were provided in a report dated July 31, 2020 (Attachment G). A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas in the urban ring, freeway and major highway corridor areas.

The majority of units with high noise impact are located within Phase 1, which contained the two high-rise residential buildings closest to Interstate-270 to the west of the Subject Property. Among Phase 2 buildings, Building 2.4 is the only one with significant noise impacts, which are caused by the sound of traffic along Fernwood Road. Despite being a part of Phase 2, Building RB2.4 was included in the noise analysis conducted at the time of Preliminary Plan for the entire site. Site Plan Condition 8 addresses what is required to attenuate the noise impacts on the buildings included in Phase 2.

f) *Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The majority of the parking for Phase 2 is located within an underground parking garage located beneath the Phase 2 proposed buildings. Some parking will also be provided on-street to serve short-term parking needs of residents, visitors and park users.

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

The internal private street network consists of ten-foot travel lanes, six-foot sidewalks, tree panels, bio-retention facilities such as rain gardens, and on-street parking throughout this phase of the overall development. Traffic calming countermeasures such as chicanes will further the safe movement of people walking and establish the precedent for people driving that they are entering/traveling through an urban environment. The majority of the internal private street network will be constructed in Phase 1A, with construction of the private shared street from Building RB1.2 to the Fernwood Road and Rock Spring Drive intersection to be constructed as part of Phase 2.

Building massing is consistent with the existing and proposed buildings in the vicinity and the building step backs will reduce the perceived mass and bulk of the buildings. The layout of buildings will form distinctive courtyards or 'outdoor rooms' connected visually and physically to the indoor community spaces at ground level. This approach will create a contiguous fabric of community activity at the ground level that

promotes a community that is highly livable and walkable, all the while providing security and protection to its senior population.

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

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

Both the Phase 1B Site Plan Amendment (82022012A) and the Phase 2 Site Plan (820240130) substantially conform with the recommendations of the 2017 *Rock Spring Sector Plan* (Sector Plan or Plan) and *Parking Lots To Places: Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans* (Design Guidelines). The Sector Plan recognizes the history of the Rock Spring area from its heyday as one of Montgomery County's premier office parks in the 1980s through early 2000s to the increasing vacancy rates in the late 2000s and Marriott International's plans to relocate its headquarters to a transit proximate location (p. 7). According to the Plan, the relocation of Marriott would increase the office park's vacancy rate to 39%, absent other changes. The proposed development addresses the large gap that will be left in Rock Spring by the departure of the Marriott Headquarters.

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

- Adding a new type of residential infill development to the area's existing mix of uses, helping to reshape the area into a more well-integrated community.
- Promoting site and building design for energy conservation by achieving the NGBS Gold certification and constructing each building to promote energy efficiency and recovery, using sustainable materials.
- Exploring a wide range of approaches to accommodate school enrollment growth with the implementation of the Learn Grow Lead program in partnership with MCPS.

- Increasing publicly accessible green spaces within the Plan area by providing a 1.6-acre Park, a walking trail open to the public, and an enhanced streetscape for pedestrians and bicyclists.
- Concentrating new activity along the “central spine” (Fernwood Road/Rock Spring Drive as the proposed buildings and the Park will line the Property frontage along Fernwood Road).
- Helping to create a safe, low stress pedestrian and bicycle network with proposed streetscape improvements along Fernwood Road. (p. 20)

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

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

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

Public Benefits

The Plan prioritizes the public benefits as follows:

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

Staff reached out to the MCPS early in the regulatory process during prior site plan reviews (Phase 1A and 1B) to discuss the Application in the context of the Master Plan recommendations for a school site. MCPS did not pursue acquisition of the Property through the Subject Application.

Although the Project does not involve the dedication of land towards a school site, a key component of Phase 2 is the proposed implementation of the Learn Grow Lead Program, which will provide an opportunity for students in the County to pursue technical training and career development in food and beverage services, management, and human resources. MCPS will be a partner in the initiative. This contributes to the Sector Plan's goals and counts towards the Community Facilities public benefit points.

The Sector Plan also identified MPDUs as the highest priority public amenity for new residential development. Phase 2 of the Project will deliver the remaining independent living units for the overall project – four buildings and a total of up to 700 units. A minimum of 15% of the units delivered will be MPDUs, achieving the Sector Plan recommendation.

Environment and Sustainability

Phase 2 of the Project will incorporate a number of environmental site design measures to address stormwater management on site, improving the minimal stormwater measures currently on the Property.

In addition to constructing efficient stormwater management practices, the Project will seek National Green Building Standard Gold certification, and each building will be constructed to promote energy efficiency and recovery and will utilize sustainable materials. This helps the Project address the overarching environmental and sustainability goals for the Sector Plan (p. 20) to promote site and building design for energy conservation.

Transportation and Connectivity

The Sector Plan recommends the development of a network of separated bicycle lanes and shared use paths within and surrounding the plan area, along with the construction of a road diet along Fernwood Road. Most of these improvements are made in conjunction with prior phases; however, Phase 2 will complete the grid of streets within the project area.

Additionally, the Property is located less than 1,000 feet from the Montgomery Mall Transit Center and across the street from a master planned BRT stop. To further connect the future residents to the general community, a shuttle bus will transport

individuals to nearby shopping areas, the Metro station, and other arts and cultural destinations in the area.

- h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

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

- i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

Not applicable; this Property is not located in a Rural Residential or Residential zone.

- j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

The proposed Phase 2 buildings are of a scale and density that is consistent with the existing office buildings in the area and the proposed residential developments on nearby Westlake Terrace, including the Rae (Site Plan No. 820090140, as amended), and the Westfield Montgomery Mall mixed-use development (Site Plan No. 820050030, as amended). The proposed CCRC use will complement the evolution of the Rock Spring area from a commercial office park to a mixed-use community.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.***

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.**

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 6: SITE PLAN 82022012A FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820220120, MCPB No. 22-055, to develop a 5,700 square-foot marketing building, conduct stream restoration and develop a linear park along Thomas Branch at the south of the Subject Property with conditions.

Site Plan Amendment 82022012A requests to defer the development of the marketing building to Phase 2 and add lighting along the path included as part of the linear park. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The findings herein apply only to the Subject Property.

2. *To approve a Site Plan, the Planning Board must find that the proposed development:*

a) *satisfies any previous approval that applies to the site;*

The Site Plan Amendment satisfies Local Map Amendment LMA H-135, Sketch Plan No. 320210030, and Preliminary Plan No. 120210040 as listed in the MCPB Resolution No. 21-074 dated July 27, 2021. The Subject Application is not in conflict with the previously approved Site Plan 820190190 for development of Phase 1A.

Local Map Amendment LMA H-135 binding element number 2 states “Provide a minimum of 5,000 square feet of retail space.” Site Plan 820220120 included the development of 1,900 square feet of retail uses as part of the Marketing Building. The Subject Site Plan Amendment proposes to defer the development of the Marketing Building to Phase 2. Phase 2 will now include the development of 1,900 square feet of retail in the Marketing Building, as well as 3,400 square feet of retail located in Building RB2.4, together providing 5,300 square feet of total retail space and satisfying the binding element of LMA H-135.

d) *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

ii. *Development Standards*

The Development Standards for the overall project are provided in Table 1 on page 30 of this Staff Report. The table reflects the shift of 1,900 square feet of commercial density, 3,800 square feet of residential (marketing center) density, and 5,700 square feet of total density that results from deferring the development of the Marketing Center from Phase 1B to Phase 2.

iii. Public Benefits

Quality Building and Site Design

- **Public Open Space:** As part of Phase 1B the Project devotes approximately 5.37 acres of open space to public use in accordance with the Sector Plan's recommendation to incorporate additional public open green space in the Sector Plan area. The Applicant was previously awarded 13.48 points for the inclusion of open space as part of Phase 1A. The maximum number of points a project may achieve in the Public Open Space category is 20. Therefore, the Applicant will be awarded with the remaining 6.52 points, which brings the total points awarded in the Public Open Space category for the sketch plan area to the maximum of 20.

(4) Division 6.4 General Landscaping and Outdoor lighting

The Subject Site Plan Amendment proposes to add lighting along the paved path that runs east-west through the Thomas Branch Linear Open Space. The lighting will add safety and functionality to this area and to the open space at large.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Department of Permitting Services approved the Site Development Stormwater Management Plan for Phase 1B on May 23, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion.

ii. Chapter 22A, Forest Conservation.

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. The Forest Conservation Plan findings can be found on page 44.

SECTION 7: FOREST CONSERVATION PLAN F20240740 FINDINGS AND ANALYSIS

Natural Resource Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation, designated No. 420200260, was approved on November 8, 2019.

Environmental Guidelines

Site Plan No. 820220120 was found to be in conformance with the Planning Department's *Environmental Guidelines*. The submitted plans continue to conform to the Guidelines.

Forest Conservation Plan

The Preliminary Forest Conservation Plan H-135 was approved by Planning Board Resolution MCPB No. 20-020 dated April 3, 2020, during the review of the re-zoning of the Property, which included a Development Plan. A Final Forest Conservation Plan (FFCP) was approved by the Planning Board with Site Plan No. 820210190 on March 10, 2022 (Planning Board Resolution No. MCPB 22-014). FFCP No. 820220120 was approved June 21, 2022 (MCPB No. 22-055). FFCP No. F20240740 will amend all previously approved Final Forest Conservation Plans. The forest mitigation requirement of 5.27 acres of afforestation is unchanged from the previously approved plans. Previous conditions of approval address the mitigation requirements.

Forest Conservation 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 no impact to 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.

Variance Request

The Applicant submitted a variance request in a letter dated August 20, 2024 (Attachment F). This request is to remove five trees not previously approved for removal. The Applicant has previous approval to remove 23 (twenty-three) 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, and to

impact, but retain six additional trees. Four additional trees proposed for removal (Numbers 15, 16, 17, and 18) were approved for removal under a variance approved with PFCP H135.

The current variance letter requests approval to remove trees 55, 56, 64, 65, and 66. Removal of these trees removes an additional 188 inches at this stage for a total of 1168.7 inches, resulting in a total caliper replacement of 293 inches.

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H. (inches)	Impact (%)	Tree Condition	Status
55	Willow Oak	<i>Quercus phellos</i>	35.6	100%	Good	Remove
56	Willow Oak	<i>Quercus phellos</i>	39.6	100%	Good	Remove
64	Willow Oak	<i>Quercus phellos</i>	36.6	100%	Good	Remove
65	Willow Oak	<i>Quercus phellos</i>	37.6	100%	Good	Remove
66	Willow Oak	<i>Quercus phellos</i>	38.6	100%	Good	Remove

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the need to accommodate frontage improvements, utilities, stormwater, removal of existing infrastructure, and stream restoration. Minor adjustments to the limits of disturbance to accommodate these actions have resulted in impacts that necessitate the removal of an additional five trees.

Variance Findings

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

- 1. 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 disturbance is to meet applicable Master Plan and *Rock Spring and White Flint 2 Design Guidelines* requirements and construct the development that was already approved. If the Applicant were not able to impact the variance trees, the Applicant would not be able to build and provide adequate facilities.

- 2. Is not based on conditions or circumstances which are the result of the actions by the applicant.**

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

- 3. *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 not as a result of land or building use on a neighboring property.

- 4. *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 Application proposes mitigation for the removal of these trees by planting new large-caliper replacement trees on site. These trees will ultimately replace the lost water quality of the trees being removed. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The trees proposed for removal will be mitigated at a rate that approximates the form and function of tree being removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3.5-inch caliper in size. This results in a new mitigation of eight (8) inches, with a minimum installation of fourteen (14) 3.5-inch caliper trees. The new mitigation brings the projects total caliper inches to be replaced to 293 inches, resulting in a replacement minimum of 84 trees with a 3.5-inch caliper.

Recommendation on the Variance

Staff recommends approval of the variance for the removal of the variance trees associated with Forest Conservation Plan No. F20240740.

SECTION 8: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on March 20, 2024. There was one attendee of the pre-submittal meeting, who asked two questions. The first was “Will there be a bike path on both sides of Fernwood Road,” to which the answer was “No, the two-way bike path will be provided on the south side of Fernwood Road.” The second question was “When can I expect the trees along Fernwood Road to be taken down?” to which the answer was “The trees need to be removed in connection with the Fernwood Road improvements, which will commence this summer.”

The Application is in compliance with all submittal and noticing requirements.

As of date of this Staff Report, no correspondence has been received about the Subject Applications.

SECTION 9: CONCLUSION

Site Plan Nos. 82022012A, 820240130, and Forest Conservation Plan No. F20240740 comply with the findings required for approval in the Zoning Ordinance and Chapter 22A and are consistent with the goals and recommendations of the *Rock Spring Sector Plan*. Staff recommends approval of Site Plan Nos. 82022012A, 820240130, and Forest Conservation Plan No. F20240740 ELP Bethesda at Rock Spring Phase 1B and Phase 2, with the conditions enumerated in this Staff Report.

ATTACHMENTS

Attachment A: Previous Approvals

Attachment B: Agency Approval Letters

Attachment C: Site Plan 820240130

Attachment D: Site Plan Amendment 82022012A

Attachment E: Final Forest Conservation Plan F20240740

Attachment F: Variance Request

Attachment G: Noise Analysis