

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

December 5, 2024

MCPB No. 24-102
Site Plan No. 820240130
ELP Bethesda at Rock Spring Phase 2
Date of Hearing: October 24, 2024

RESOLUTION

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

WHEREAS, on July 19, 2024, Grandview, LLC (“Applicant”) filed an application for approval of a site plan for 700 independent living units in four residential high-rise buildings, 5,300 square feet of retail uses, and a marketing center on 33.64 acres of CRF-1.5, C-0.75, R-1.5, H-150’ zoned-land, located at 10400 Fernwood Road, Bethesda (“Subject Property”), in the North Bethesda Policy Area and 2017 Rock Spring Sector Plan (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240130, ELP Bethesda at Rock Spring Phase 2 (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 14, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 24, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240130 for 700 independent living units in four residential high-rise buildings, 5,300 square feet of retail uses, and a marketing center on the Subject Property, subject to the following conditions:¹

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

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.

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 Certificate, 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 Certificate 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.

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of ELP Bethesda at Rock Spring, Site Plan No. 820240130, 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 as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

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

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

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

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

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

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

a. 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.

b. Development Standards

The Subject Property includes approximately 31.9 acres zoned CRF-1.5, C-0.75, R-1.5, H-150’. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: Development Standards

Development Standard	Permitted/ Required for Overall Project	Approved for Overall Project	Approved for Phase 2
Tract Area	n/a	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF
Prior Dedication	n/a	2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF
Park Dedication	n/a	1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF
Site Area	n/a	31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF
Residential Density	1.5 FAR/ 2,353,236 SF	1.497 FAR/ 2,347,936	0.73 FAR/ 1,144,800 SF
Independent Living Units	n/a	1,300	700
Assisted Living Units	n/a	160-210	0
Skilled Nursing Units	n/a	30-50	0
Commercial Density	0.75 FAR/ 1,176,618 SF	0.003 FAR/ 5,300 SF	0.003 FAR/ 5,300 SF
Total Density	1.5 FAR/ 2,353,236 SF	1.5 FAR/ 2,353,236 SF	0.73 FAR/ 1,150,100 SF
MPDU requirement (independent living units)	15%	15%	15%
Building Height, max	150 ft	150 ft	150 ft
Public Open Space, min	10% / 3.36 acres	33%/ 11 acres (including 1.75-acre park dedication)	0

In the CRF Zone, the Applicant is required to provide 100 Public Benefit points in four categories. The Planning Board approved 105.78 benefit points in four categories for Phase 1A and 1.64 point in three categories for Phase 1B. In Phase 2, the Applicant proposed and the

Board approved 73.26 points in four categories, as shown below, which brings the total provided public benefit points in the project to date to 181.43.

Table 2: Public Benefit Points

Public Benefit Category	Points Possible	Approved Overall Project	Approved Phase 2
Major Public Facility	70		
Urban Park - 1.75 acres		10.97	
Extension of Bike Path		8.53	
Learn Grow Lead		25	25
Transit Proximity	50	30	
Diversity of Uses			
Enhanced Accessibility for Seniors or the Disabled	20	20	20
Quality Building and Site Design			
Architectural Elevations	10	5	
Exceptional Design	10	5	
Public Open Space	20	20	
Structured Parking	20	14.08*	4.37*
Protection and Enhancement of the Natural Environment			
Building Lot Termination	30	30	24.64
Cool Roof	10	5	
Vegetated Area	10	10	
TOTAL		183.58	74.01

*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. The Planning Board awards 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 Planning Board approves the maximum of 20 points, using the calculation below:

$$\begin{aligned} & (\text{ANSI 117.1 units/Total units}) * 300 \\ & (700/700) * 300 = 300 \\ & \text{Maximum points awarded: 20 points} \end{aligned}$$

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, the Planning Board awards 4.37 points for Phase 2, and 14.08 points for the Project overall.

$$\begin{aligned} & [(\text{Above-grade spaces/Total spaces}) * 10 + (\text{Below-grade spaces/Total spaces}) * 20] \\ & [(1,011/1,706) * 10] + [(695/1,706) * 20] = 5.93 + 8.15 = 14.08 \\ & 14.08 - 9.71 \text{ (points awarded as part of Phase 1A)} = 4.37 \end{aligned}$$

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:

$$\begin{aligned} & ((\text{Phase 2 Density} - \text{Standard Method Density}) * 0.75) / 31,500 \\ & = (1,150,100 * 0.075) / 31,500 \\ & = 2.738 \text{ BLTs} * 9 \text{ point per BLT} = 24.645 \text{ points} \end{aligned}$$

The Planning Board awards 24.645 points in this category.

c. General Requirements

i. *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 (Site Plan No. 820210190). Within the site, sidewalks are provided on both sides of the private roads buffered from the street.

ii. *Parking, Queuing, 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 six 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.

With this Application, the Board grants a parking waiver, under Section 59-6.2.10, to exceed the maximum number of vehicle parking spaces allowed for the overall development, as requested by the Applicant. 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.

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

iii. *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 related Site Plan Amendment No. 82022012A. 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.

iv. *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.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on September 16, 2024. The plan will meet stormwater management requirements using micro-bioretenion and green roof.

b. Chapter 22A, Forest Conservation Law

Concurrently with this Application, the Board approved Forest Conservation Plan No. F20240740, which amends the previously approved Final Forest Conservation Plans and encompasses the entire Property subject to Phases 1A, 1B, 2, and 3. As further discussed in the resolution approving Forest Conservation Plan No. F20240740, the Board finds that the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, are satisfied.

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

The majority of the parking for 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 was approved 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 provided by the overall development are well in excess of the zoning requirements, as exemplified by the Urban Park to be constructed by the Applicant and dedicated to the M-NCPPC Parks Department, which was approved as part of Phase 1A.

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

The Application substantially conforms 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 overall 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)

Although the Project does not involve the dedication of land towards a school site, as MCPS did not pursue acquisition of the Property, 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.

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

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

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

The 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

December 5, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley was necessarily absent, at its regular meeting held on Thursday, November 21, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board