



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Preliminary Plan No. 11998092B: Rock Spring Centre
Site Plan No. 820090030: Rock Spring Centre**

ITEM #: _____

MCPB HEARING DATE: February 17, 2011

REPORT DATE: February 4, 2011

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Robert Kronenberg, Supervisor
Area 1



FROM: Neil Braunstein, Coordinator
Area 1, Lead Reviewer
301.495.4532
neil.braunstein@mncppc-mc.org

Sandra Pereira, Senior Planner
Area 3, Lead Reviewer
301.495.2186
sandra.pereira@mncppc-mc.org

APPLICATION DESCRIPTION: Proposal to create a mixed-use development with 210,000 SF of retail, 549,900 SF of office, 90,000 SF of below grade entertainment facilities, a 200-room hotel, and 161 residential dwelling units (including 44 MPDUs); 30.17 acres; MXPD Zone; located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive; 1992 North Bethesda Garrett Park Master Plan.

APPLICANT & OWNER: Davis Brothers Montgomery Farm LP and Camalier LP
DEVELOPER: DRI Development Services, LLC

FILING DATE: Preliminary Plan: July 24, 2008
Site Plan: August 29, 2008

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The Rock Spring Centre project was initiated in the mid-90's when 53.4 acres of land were rezoned from the Residential High-Rise (R-H) Zone to the MXPD Zone. Since that time, a low-rise, multi-unit apartment complex (Phase I) has been completed (Avalon Bay) and two high-rise residential buildings (Phase II) have been approved. Phase III was approved for a wellness center (Canyon Ranch), an associated hotel, and 87 unit high-rise residential building but a certified site plan was never completed primarily due the downturn in the economy. Likewise, a mixed use plan for the

Approval signatures

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remaining acreage (Phase IV) was submitted but never taken to the Board. The current application encompasses the remaining 30.17 acres corresponding to the former Phase III and Phase IV of the overall development plan (DPA 99-1) for the 53.4-acre Rock Spring Centre site. The Applicant is proposing to create 21 platted parcels for a mixed-use center with residential, office, hotel, retail, and entertainment uses established along existing public streets and a new grid of private streets. The proposal conforms to the binding elements of the DPA and to the Master Plan recommendations. However, due to current economic realities, the County has chosen not to locate a Community Center recommended in the Master Plan on this site. Instead, the Applicant will dedicate a parcel to the County for future public recreational uses.

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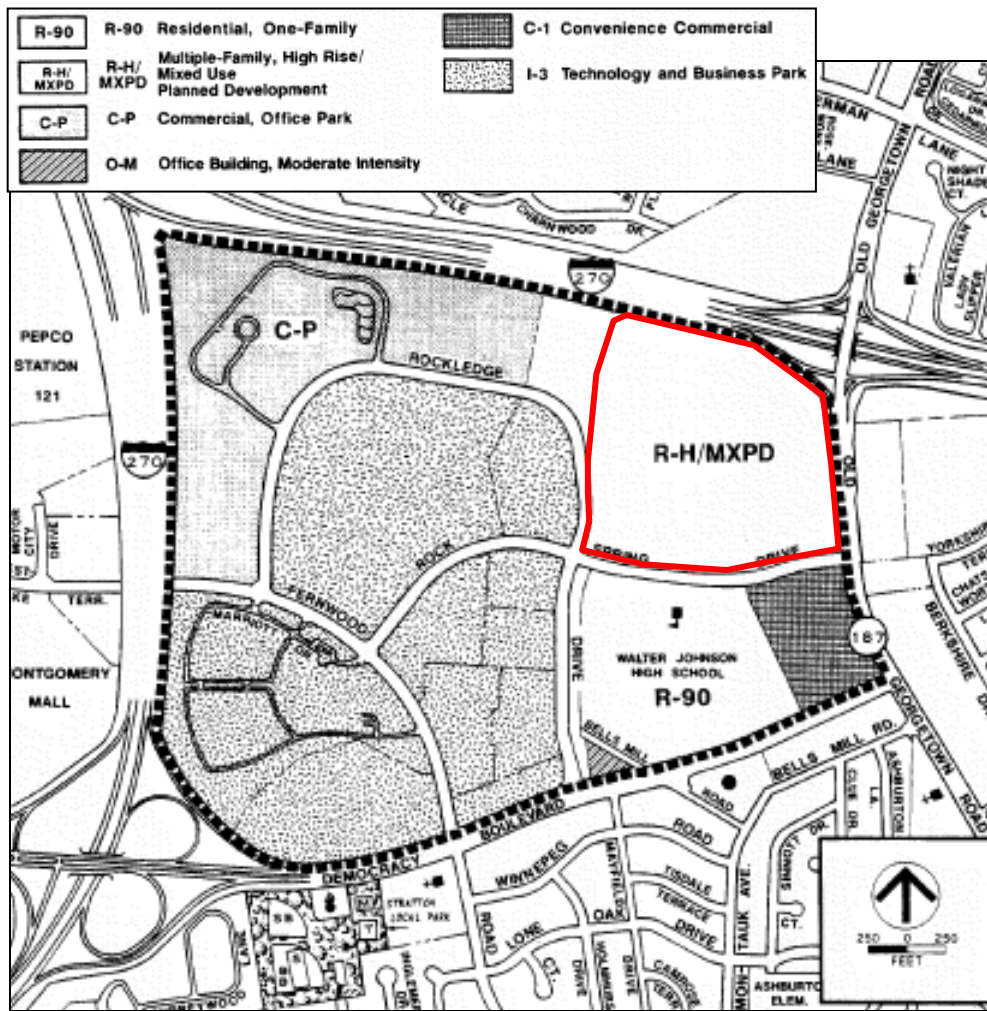
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property is a 50.54-acre tract known as Rock Spring Centre. The Centre is located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive in the North Bethesda Garrett Park area. The Centre, in the MXPDP zone, is bound by the I-270 interchange to the north, Old Georgetown Road to the east, Rock Spring Drive to the south, and Rockledge Drive to the west. Surrounding properties across Rockledge Drive to the west are zoned I-3 and are developed with the headquarters of IBM. Across Rock Spring Drive to the south is the Walter Johnson High School zoned R-90. Immediately to the east, between the school and Old Georgetown Road is the Georgetown Square Shopping Center, zoned C-1. Across Old Georgetown Road to the east are one-family detached residential neighborhoods zoned R-90/TDR. The site has access to major transportation networks and proximity to other commercial/industrial centers.



Zoning Map of the Rock Spring Park area (source: Fig. 31 of the Master Plan, p.99)

The Centre is included in the Rock Spring Park area of the North Bethesda Garrett Park Master Plan, which is a corporate office center covering 247 acres and located between the I-270 spurs, near their junction with I-495. Rock Spring Park has been developed with corporate headquarters for high technology companies and high tech professional and service firms.

The northern portion of the Rock Spring Centre tract has already been developed with a 386-unit apartment complex in six, four-story buildings, as part of the Avalon Bay site plan (# 82000034A). Access to the apartment complex is provided from Rockledge Drive, via Rock Forest Drive. The subject site is located on the south side of Rock Forest Drive, excluding the site of the approved (but not yet built) multi-family high-rise buildings (site plan no. 82003036B and 82004017B) and the site of the Davis Camalier Estate house.



Aerial Photo with approximate site boundary of 50.54-acre tract outlined in red

Site Analysis

For purposes of the Preliminary Plan, which covers the entire site, the subject property consists of six platted parcels and one unplatted parcel, which together comprise 50.54 acres – originally 53.4 acres but reduced by previous right-of-way dedication. The platted parcels are for the previously approved and constructed development. For purposes of the site plan, the subject property consists of the one unplatted parcel, which is 30.17 acres in area. Access to the irregularly-shaped property is from Rockledge Drive via Rock Forest Drive and from Old Georgetown Road via a gravel drive. The first leads to the Avalon Bay apartment complex, and the second leads to the existing estate house located in the southeastern corner of the site.

The topography reflects slopes generally ranging between 2 to 10%, although there are some areas having slopes of 15% or greater. Open fields are located in the southwestern portion of the site. An intermittent stream and stream valley corridor runs diagonally through the central portion of the 50-acre site. The stream valley includes wetlands and some large trees, many of which have diameters of 30 inches or more. There are several other mature groves of trees to the south and west of the stream valley. About 27.7 acres contain trees and include young seedlings, saplings, and mature oaks.

PROJECT DESCRIPTION

Previous Approvals within the 53.4-acre tract of Rock Spring Centre

On April 29, 1997, the District Council approved **Zoning Case No. G-713** (Resolution No. 13-865) to rezone the Davis Camalier Parcel of 53.4 acres from the Residential High-Rise (R-H) Zone to the MXPDP Zone.

On September 29, 1998, the District Council approved **Development Plan Amendment (DPA) 99-1** (Resolution No. 13-1442) to include a phasing plan with required infrastructure and development for each phase. The Plan included 4 phases identified as Phase I – residential; Phase II – retail, residential, institutional, office, North Bethesda community center; Phase III – residential, retail, office; Phase IV – office [Appendix A].

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

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

Phase I – Avalon Bay

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

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

Pending Site Plan Amendment (No. 82000034A) is on the February 17, 2010 Planning Board's consent agenda to reduce the number of approved units by four and modify the cul-de-sac on Rock Forest Drive. The units will be reallocated to the Phase III-IV development associated with Site Plan No. 820090030.

Phase II – Residential Towers

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

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

On October 12, 2006, the Planning Board approved with conditions **Site Plan Amendment No. 82003036B** (MCPB Resolution No. 06-99, dated November 30, 2006) for a 19-story residential building containing 351 apartments, including 32 MPDUs, and a clubhouse.¹

On February 26, 2004, the Planning Board approved with conditions **Site Plan No. 820040170**, Rock Spring Centre – Residential Tower II (Resolution dated March 1, 2004) for a 19-story, 352-unit, high-rise residential building, including 32 MPDUs.²

On June 15, 2006, the Planning Board approved with conditions **Site Plan Amendment No. 82004017A** (MCPB Resolution No. 06-23, dated October 13, 2006) to reduce the number of dwelling units to 217, increase the number of stories to 20, and relocate the required MPDUs to a different phase of the site.³

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

Phase III – Canyon Ranch

On June 9, 2005, the Planning Board approved with conditions **Site Plan No. 820050310** (Resolution dated February 2, 2006) for a 157-room hotel, a 90,000 SF wellness center (Canyon Ranch), and an 87-unit multi-family dwelling high-rise building, and a parking waiver.

Phase IV & V – Rock Spring Centre

Site Plan No. 820060270 was originally filed in 2006 for Phase IV of the Rock Spring Centre, which included a mixed-use development with retail, office, restaurant, and garden apartments. This application will be invalidated upon approval of the current site plan application.

Proposal

The Applicant proposes to amend the previously approved preliminary plan and previous amendment by reconfiguring proposed internal parcel lines within the unplatted existing parcel and amending the proposed land uses. The land uses are proposed to be amended as follows: office space will be increased by 10,000 square feet from 539,900 square feet to 549,900 square feet, and retail space will be reduced by 10,000 square feet from 220,000 square feet to 210,000 square feet. Other previously approved land uses and the total square footage of all land uses will remain unchanged. However, Montgomery County Department of Recreation has indicated that they no longer wish to have the Applicant construct the previously approved 30,000-square-

¹ DHCA allowed the Applicant to buy out of a percentage of the MPDUs. Of the 56 required MPDUs, 32 are to be located on-site and an alternative payment is to be provided in lieu of the remaining 24 MPDUs.

² See footnote above.

³ Applicant was given permission to locate the MPDU's within the Phase I, Avalon Bay apartment complex.

foot community center. So, although the community center remains an approved component of the development, it is not currently proposed to be built.



Illustrative perspective rendering looking North



Figure 3: Illustrative Plan

The site plan proposes to develop the southwest corner of the Davis Camalier Parcel as a mixed-use center with residential, office, hotel, retail, and entertainment uses established along existing public streets and a new grid of private streets. This location within the larger site allows the preservation of the existing estate house and the environmentally sensitive areas located in the central portion of the property.

As recommended in the Master Plan, the majority of the retail uses are located along the southern portion of the site with visibility to Rock Spring Drive. Entertainment uses, including primarily movie theaters, are located on the lower level facing the forest preserve. Office space is concentrated in two high-rise buildings along Rockledge Drive, and residential uses about the existing estate house on the west side of the site. Building heights range from 1 story (26 feet) along Rock Spring Drive to 20 stories (272 feet) along Rockledge Drive. The table below summarizes the building program for the proposed development.

ROCK SPRING CENTRE Building Program (revised 31 JAN 2011)										
Building	Maximum Height		Parking Spaces	Accessible		Uses				
	Feet	Stories		Cars	Vans	Office	Retail	Entertainment	Hotel	Residential
1	249.5	17	470	6	3	214,000	10,411			
2	272.0	20	666	11	4	335,900	26,114			
3	39.0	1*					30,062	42,000		
4	87.5	7**	554	8	3		35,992	48,000		
5	33.0	1					11,761			
6A	35.5	1					6,195			
6B	29.0	1					1,649			
6C	26.0	1					1,539			
7	179.0	14	1,114	16	6		63,115		183,295	
8	32.0	1					23,106			
9A/B	71.0	6***	181	4	2					119,774
9C	75.0	6	77	3	1					69,961
Total			3,062			549,900	209,944	90,000	183,295	189,735
									16,705****	
									200,000	

* One story below grade

** 6 Parking levels above 1 retail level @ street and one story below grade.

*** 4 Levels residential above 2 levels of parking

****NOTE: Additional Hotel GBA Allowed up to a maximum of 200,000 SF

The majority of the parking provided is located within buildings above grade. Staff has expressed concerns in regards to the high visibility of the above grade parking garage structures and has conditioned architectural treatment and green screens to mitigate the negative visual impacts.

Full access movement to the site is provided via Rock Spring Drive and Rock Forest Drive off Rockledge Drive. Restricted access, with right-in right-out movements only, is permitted off Old Georgetown Road and Rockledge Drive. Internally, a grid of private streets provides access to the individual buildings and allows for efficient circulation throughout the site. Existing Rock Forest Drive, which provides access to the Avalon Bay apartments on the northern end of the site, will be connected to the proposed streets and will be part of an internal loop road.

Overall, parking garage entrances and loading areas have been reduced and/or co-located wherever possible to minimize disruptions to the pedestrian environment while still accommodating safe vehicular movements. The majority of the loading and parking garage access will occur off North Street and West Street, which will help to preserve the pedestrian character of Main Street and Streets H and G. Main Street will be the primary retail street with on-street parking on both sides.



View from Main Street westward to Office Building Two

Pedestrian access to the site is accommodated via a sidewalk along the Rockledge Drive frontage, a Class I bikeway/shared use path along the Rock Spring Drive frontage, and sidewalks on all new private streets. In addition to the vehicular access points, pedestrians can also access the site at the intersection of Rockledge and Rock Spring Drives and at a mid-block location along Rock Spring Drive where the central plaza is located. A pedestrian mid-block crossing on Rock Spring Drive between the Walter Johnson High School and the site was agreed to as a result of coordination between several agencies, Staff, and the Applicant in order to maximize pedestrian (especially student) safety at this mid-block location.

The main area of open space runs diagonally across the center of the site, and overlapping with the environmentally sensitive areas. Although this area will be available as an amenity for the residents, workers, and visitors, it will not have trails, paths or lighting to avoid disturbance of the natural systems. Within the project the main open spaces provided are urban in nature and are intimately related to the proposed retail and restaurant uses. Most of these are located along a north-south axis overlapping with proposed Streets H and G in a central area referred to as the “Plazas’ corridor.” They have seating and tables, and in addition, the Plaza between Building 6C

and Rock Spring Drive has a multi-level cascading fountain, which provides a backdrop and buffers the noise from Rock Spring Drive. The Plaza at the entrance to the movie theaters (Building 3) functions as a gathering place with seating provided. The open space between the two residential buildings accommodates the playground area in addition to providing a well designed amenity area for residents and visitors.



Central Area, north-south axis, referred to as "Plazas' Corridor"

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements. Staff received several inquiries from interested citizens on the status of this Application and clarification on some traffic related questions. Staff addressed the questions via the attached correspondence [Appendix C].

SECTION 2: PRELIMINARY PLAN REVIEW

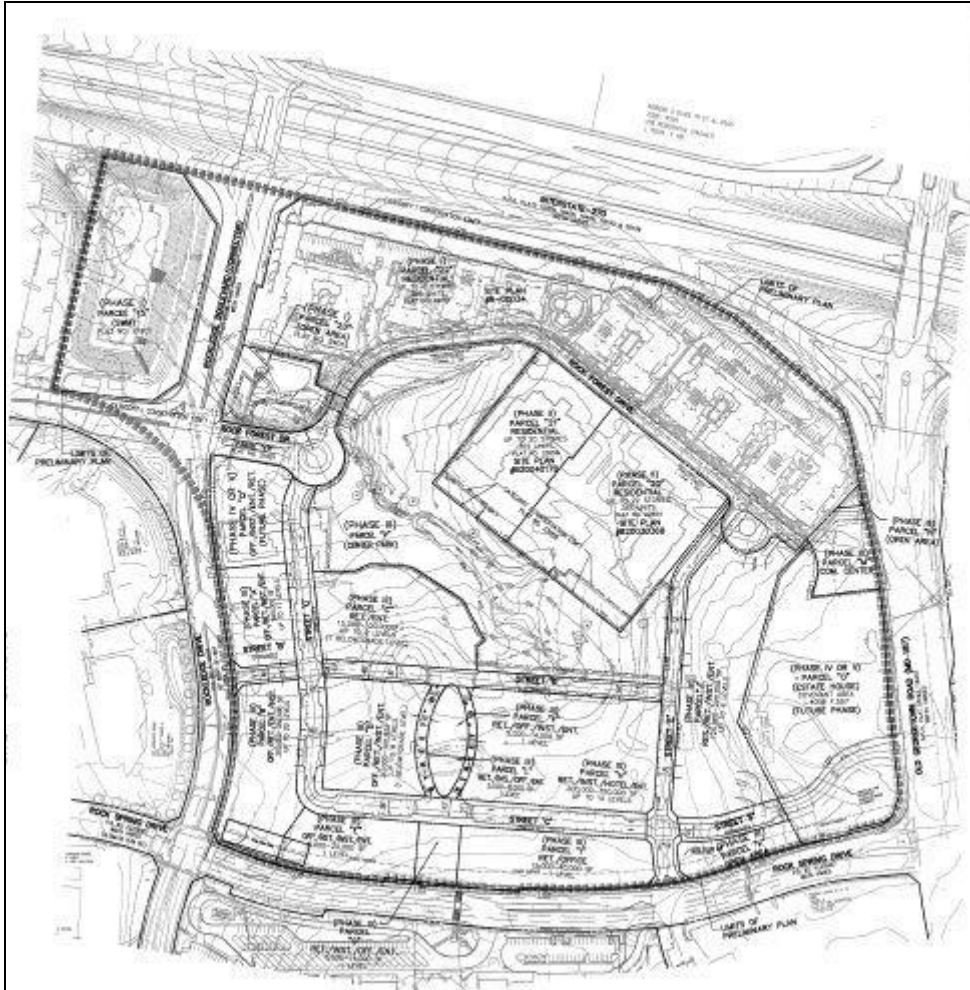


Figure 7: Preliminary Plan

ANAYSIS AND FINDINGS

Conformance with the Master Plan

The Planning Board found the original preliminary plan and the previous amendment in substantial conformance with the North Bethesda Garrett Park Master Plan. The proposed amendment does not affect the application's conformance with the master plan, and the Planning Board's prior findings remain valid.

Adequate Public Facilities (APF) Review

Roads and Transportation Facilities

Vehicular and Pedestrian Access

The proposed preliminary plan amendment will not affect previously approved access. Proposed vehicle and pedestrian access for the subdivision will remain safe and adequate.

Local Area Transportation Review (LATR)

For the previously approved and proposed amended land uses, the table below shows the numbers of peak-hour trips during the weekday morning (6:30 to 9:30 a.m.) and the evening (4:00 to 7:00 p.m.) peak periods:

Land Use	Amount of Development	Peak-Hour Trips	
		Morning	Evening
Original Preliminary Plan No. 119980920 Approval on May 27, 1999			
Apartments	1,250 units	438	501
General Office	637,200 Square Feet	1,075	938
General Retail	220,000 Square Feet	746	2,984
Retail –Entertainment	90,000 Square Feet		
Retail-Community Center	30,000 Square Feet	32	42
Total Peak-Hour Trips		2,291	4,465
Amended Preliminary Plan No. 11998092A Approval on September 23, 2004			
Apartments	1,250 units	438	500
General Office	539,900 Square Feet	906	795
General Retail	220,000 Square Feet	746	2,984
Retail –Entertainment	90,000 Square Feet		
Retail-Community Center	30,000 Square Feet	32	42
Hotel	200 Rooms	134	140
Total Peak-Hour Trips		2,256	4,461
Proposed Preliminary Plan No. 11998092B			
Apartments	1,250 units	438	500
General Office	549,900 Square Feet	927	812
General Retail	210,000 Square Feet	712	2,847
Retail –Entertainment	90,000 Square Feet		
Retail-Community Center	30,000 Square Feet	32	42
Hotel	200 Rooms	134	140
Total Peak-Hour Trips		2,243	4,341

The table shows that the proposed 10,000-square-foot increase in office use and the proposed 10,000-square-foot decrease in retail use will cause an overall reduction in morning and evening

peak hour trips, as compared to the previously approved preliminary plan amendment. The proposed preliminary plan amendment, therefore, satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

As shown in the table above, the proposed subdivision amendment does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is not subject to Policy Area Mobility Review.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, telecommunications, and natural gas services are also available to serve the subject property.

Environment

Background

Portions of the site were developed under previous plan approvals. The site contains a variety of features, including forest and meadow areas, an existing homestead, temporary parking lots, completed roadway and parking structures serving residential buildings that have been occupied since approximately 2003, and the foundation for a large apartment tower which has not been completed. The current phase includes approximately six acres of forest clearing and accounts for an additional clearing of approximately 1.5 acres occurring in a future undetermined phase. Environmentally sensitive features such as steep slopes and environmental buffers occur on-site, and within portions of the current phase. The proposed development envelope has been conceptually approved during the initial preliminary plan of subdivision and earlier versions of the final forest conservation plan.

The previous and current plans include permanent encroachments into the stream valley buffer. Mitigation for the permanent impacts is met by the proposed control of invasive species and the planting of supplemental native species throughout the remaining forest retention areas above and beyond forest conservation requirements. The mitigation requirement was established as a condition of approval under previous site plans. Some of the stream valley buffer impacts have already occurred, for example portions the abandoned foundation work associated with the apartment building are located within the stream valley buffer. The invasive species control under the purview of that plan has occurred, however the supplemental plantings have not been installed.

Forest Conservation

The subject property contains existing recorded Category I Conservation Easements areas related to earlier phases of the project (the easements are also tied with the current proposal). Below is a brief outline of plans associated with the Rock Spring Centre:

Natural Resources Inventory / Forest Stand Delineation (NRI/FSD):

419941990 Original approval 8/9/1994

Re-approval 1/28/1998

Revised on 6/25/1999

Final Forest Conservation Plan (FFCP):

820040170 (820030360) approved on 5/17/2004.

820000340/820000350 approved on 7/13/2006. Later revised for parcel 23 SWM encroachments and FCE abandonment on 5/13/2009.

The approved FFCP for the Rock Spring Centre, Residential Towers (the site containing the large abandoned foundation) shows temporary construction access within the footprint area of the current phase. The overlapping area presently contains electric utilities such as poles, lines and conduits, and also has portions of the tower crane foundation, a steeply graded slope, and security fencing within areas of the current phase (refer to image below). The phase II work was intended to finish prior to start of the current phase. However, under the present conditions there would be difficulty in completing all of the currently proposed work (such as at the north end of East Street and the nearby reforestation) unless the Phase II work is completed first (due to the severe limitations of working near a deep foundation wall and steeply graded slope above it). A plan note will need to clarify that a portion of the reforestation work is delayed until phase II is complete (or at least further underway). Therefore, it is anticipated that portions of the forest conservation bond covering the current phase will have to be retained until the required restoration and plantings can be appropriately completed and accepted.



2008 aerial image from M-NCPPC GIS

The final forest conservation plan is for the entire area covered by the previously approved preliminary plan of subdivision and preliminary forest conservation plan. The forest conservation planting requirements in the final forest conservation plan are based on the areas of forest cleared and retained shown on the preliminary forest conservation plan. Areas of forest that were previously cleared must be accounted for in the final forest conservation plan for the entire Rock Spring site as included in the preliminary plan of subdivision and the final forest conservation plan.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, Maryland Annotated Code, identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. 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 Code. The law requires no impact to and the retention and protection to the greatest extent possible of all trees that measure 30 inches diameter at DBH or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; and rare,

threatened and endangered species. Since this project did not obtain approval of a preliminary forest conservation plan prior to October 1, 2009, and the Applicant is proposing to remove and/or impact 14 trees greater than 30 inches DBH onsite, a variance is required.

The Applicant is proposing to remove or impact the following trees:

Tree #	Species	Diameter (inches)	Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
V-1	Acer saccharinum	41" DBH	Fair	Remove	11,882	5,587	47
V-2	Quercus falcata	55" DBH	Fair-Poor	Remove*	21,382	3,858	18
V-3	Quercus alba	45" DBH	Fair	Remove	13,685	4,850	35
V-4	Fraxinus americana	32" DBH	Fair	Remove	7,238	4,858	67
V-5	Fraxinus americana	41" DBH	Fair-Poor	Remove	11,882	6,429	54
V-6	Acer Saccharinum	44" DBH	Poor	Remove*	13,685	494	3.6
V-7	Acer platanoides	35" DBH	Fair	Remove	8,659	3,471	40
V-8	Fraxinus americana	40" DBH	Fair	Remove	11,310	6,169	54.5
V-9	Acer saccharum	30" DBH	Fair-Poor	Remove*	6,362	642	10
V-10	Picea abies	32" DBH	Fair-Good	Save	11,310	1,473	13
V-11	Juglans nigra	41" DBH	Fair-Good	Save	11,882	2,987	25
V-12	Quercus alba	45" DBH	Fair	Remove	14,314	8,255	58
V-13	Quercus palustris	33" DBH	Fair	Save	7,698	733	9.5
V-14	Liriodendron tulipifera	54" DBH	Fair	Save	20,612	7,896	26

*Trees V-2, V-6 & V-9 are recommended for removal based on limited life expectancy and poor structural condition, not based on construction impacts.

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Board referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The variance request was referred to the Montgomery County Arborist on January 23, 2011.

The County Arborist responded on January 28, 2011, and will not provide a recommendation since she believes that the tree variance provision does not apply to development applications submitted before October 1, 2009 (Appendix B).

Staff notes that although this project did have a Preliminary Forest Conservation Plan approved prior to the October 1, 2009, effective date for the variance requirements, the current proposal shows additional impacts and/or removals of subject trees, beyond the previous approvals. The newly proposed impacts to the trees that are 30 inches or greater in diameter trigger the requirement for a forest conservation variance.

According to Section 22A-21(e) of the County Code, in reaching its determination on the variance the Planning Board, must consider four factors. As the following findings demonstrate, in staff's opinion, the subject forest conservation plan and variance adequately addresses each of these factors:

1. Will it confer on the Applicant a special privilege that would be denied to other applicants?

The general impacts of the proposed development have been shown on previously approved plans. Refinement of the approved concept is an anticipated and necessary part of the development process, rather than a unique or special consideration for the Applicant. The flexibility of the previous concept is underscored by the lack of a defined easement boundary from the previous approvals (except for minor established forest conservation easement areas not affected by the current proposal). Furthermore, the current proposal has improved the condition for other trees that are 30 inches in diameter or greater, when compared to previous approvals. Therefore, Staff finds that the variance request would be granted to any Applicant in a similar situation.

2. Is it based on conditions or circumstances which are the result of the actions by the Applicant?

The impact and removals are necessary and unavoidable to implement the plan as proposed. Staff finds the variance can be granted under this condition if mitigation for the impacts is provided above and beyond forest conservation requirements. The proposed supplemental native plantings associated with the stream valley buffer encroachments can also be counted as mitigation for the impacts/removals subject to the variance. However, Staff recommends that additional native canopy tree plantings occur at the location of tree V-2. That large tree currently occupies a landscape bed within the traffic circle located partially within the stream valley buffer, which was credited toward forest conservation requirements. Once the declining tree is removed the area would be completely open. Staff is requesting approximately five native canopy trees for the area in question. Locations, quantities and sizes of the plantings will be determined on the revised Final Forest Conservation Plan.

3. Is it based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property?

The requested variance is a result of the current application on the subject property and is not related to land or building use on a neighboring property.

4. Will it violate State water quality standards or cause measurable degradation in water quality?

The one tree subject to a variance that is also associated with the stream valley buffer (tree V-2) is being removed due to its declining health rather than proposed construction impacts. Replanting of native canopy trees will occur at the same location, as recommended by staff. Furthermore, stormwater management for the Rock Spring Centre is currently provided in a wetland pond designed to serve the entire project providing both water quality and quantity controls. Under more recent stormwater management regulations, each new phase provides additional water quality measures. Phase III has an approved stormwater Management Concept Plan, and the final stormwater management plans are under review by MCDPS. Those plans include green roofs, bio-filtration facilities, and level spreaders for roof drains, which create

sheet flow across grass areas as a vegetative treatment practice. Structural measures include dry wells and underground structural water quality facilities. The stormwater management plan will be ultimately approved for this project by the MCDPS. The approved stormwater management plan will ensure that water quality standards will be met in accordance with State and County criteria.

In conformance with the above findings, staff recommends that the Planning Board approve the Applicant's request for a forest conservation variance to remove and/or impact 14 trees that are 30 inches or greater in diameter.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on January 4, 2011. The stormwater management concept includes consists of on-site channel protection measures via the existing Rock Creek Centre pond located northwest of the intersection of Rockledge Drive and Rock Forest Drive. On-site water quality control will be provided by green roofs, disconnects, bioretention facilities, grass swales, and permeable concrete.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed size, width, shape and orientation of the parcels that will be recorded are appropriate for the location of the subdivision.

The parcels were reviewed for compliance with the dimensional requirements for the MXPDP zone as specified in the Zoning Ordinance, and will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Rock Spring Centre				
Plan Number: 11998092B				
Zoning: MXPDP				
# of Parcels: 21				
# of Outlots: N/a				
Dev. Type: Mixed Use				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	0.27 ac. minimum	NB	2/4/11
Lot Width	Not specified	220 ft. minimum	NB	2/4/11
Lot Frontage	Not specified	220 ft. minimum	NB	2/4/11
Setbacks				
Front	0 ft. Min.	Must meet minimum ¹	NB	2/4/11
Side	0 ft. Min.	Must meet minimum ¹	NB	2/4/11
Rear	0 ft. Min.	Must meet minimum ¹	NB	2/4/11
Max nonresidential s.f. per zoning approval	1,355,000 SF ²	1,079,900	NB	2/4/11
Green Area	40%	41.3%	NB	2/4/11
MPDUs	18% ²		NB	2/4/11
TDRs	N/a		NB	2/4/11
Site Plan Req'd?	Yes		NB	2/4/11
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes		NB	2/4/11
Road dedication and frontage improvements	Yes		Agency letter	12/22/10
Environmental Guidelines	Yes		Staff memo	2/3/11
Forest Conservation	Yes		Staff memo	2/3/11
Master Plan Compliance	Yes		Staff memo	12/2/10
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	1/4/11
Water and Sewer (WSSC)	Yes		Agency comments	10/6/08
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	10/6/08
Well and Septic	N/a		Agency letter	10/6/08
Local Area Traffic Review	N/a		Staff memo	12/13/10
Policy Area Mobility Review	N/a		Staff memo	12/13/10
Transportation Management Agreement	No		Staff memo	12/13/10
Fire and Rescue	Yes		Agency letter	12/17/10

¹ As determined at site plan approval.

² As per County Council Resolution 13-865.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and is in substantial conformance with the recommendations of the North Bethesda Garrett Park Master Plan. Therefore, Staff recommends approval of Preliminary Plan Amendment 11998092B subject to the following conditions:

- 1) Approval under this Preliminary Plan Amendment is limited to 1,250 multi-family dwelling units, 549,900 square feet of office uses, 210,000 square feet of retail uses, 200,000 square feet of hotel uses with up to 200 guest rooms, 90,000 square feet of entertainment uses, and a 30,000-square-foot community center. This condition modifies Condition of Approval 1 (incorrectly numbered as Condition of Approval 5) of the Planning Board Opinion dated November 9, 2004.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable. Conditions include:
 - a. Provide detail for the invasive species management plan, in terms of species and treatment methods, and specify the necessary supplemental plantings.
 - b. Revise the worksheet to account for clearing which occurred in the staging area fronting Old Georgetown Road. Adjust notes, tables and legend accordingly.
 - c. Identify the off-site forest mitigation bank and the appropriate amount of credits needed.
 - d. Clarify and correct all plan references to the phase II encroachments within the boundaries of the current phase, by providing a general note to restore and/or reforest the disturbed areas prior to final release of the final forest conservation plan bond associated with the current phase.
 - e. Revise the legend symbols with the plan graphics for all items so they match, including but not limited to the existing/proposed forest lines and the individual tree symbols.
 - f. Adjust legend, worksheet and any other plan reference to exclude large landscape areas from phase III (maximum landscape credit has been already been credited in a previous phase).
 - g. Provide permanent boundary monuments at each corner of the forest conservation easements. Include additional posts along boundary lines as needed so that the spacing does not exceed approximately 150'.
 - h. Delete the cultivar reference from the reforestation list. Specify only standard native plant materials for reforestation.
- 3) The Category I Easement areas as shown on the Final Forest Conservation Plan (FFCP) must be recorded by plat prior to land disturbing activities occurring onsite.
- 4) The Applicant must submit financial security for the planting requirements and invasive management work specified on the FFCP prior to any land disturbing activities occurring onsite.
- 5) The certificate of compliance for the off-site forest mitigation bank must be submitted by Applicant and approved by M-NCPPC Associate General Counsel Office prior to land disturbing activities occurring onsite.

- 6) The Applicant must perform the initial invasive species control work following the preconstruction meeting, and prior to the release of building permits (to be performed along with the pre-construction measures such as tree protection). The supplemental native plantings must occur as soon as possible but no later than two growing seasons after the pre-construction meeting date.
- 7) The Applicant must dedicate all public road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan, unless otherwise designated on the preliminary plan.
- 8) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
- 9) The Applicant must dedicate to Montgomery County the approximately 0.57-acre portion of the Subject Property that is identified as proposed "Parcel M", for public recreation use per County Council Resolution 13-865. The land must be dedicated to Montgomery County through notation on the plat and by conveyance prior to recordation of the plat in the form of a deed approved by Montgomery County. At time of conveyance, the property must be free of any trash and unnatural debris.
- 10) The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
- 11) The record plat must reflect an easement for future dedication for the North Bethesda Transitway along the Rock Spring Drive property frontage. The easement will be valid for so long as the North Bethesda Transitway is shown on the official Montgomery County Master Plan of Highways. Prior to recordation of the plat, an easement document must be recorded in the land records of Montgomery County that sets forth the terms of the easement for future dedication. The easement document must state that, at any time that the county makes a request for such dedication, the Applicant will dedicate to Montgomery County for use as right-of-way for the North Bethesda Transitway the area shown in easement on the record plat. The record plat must note the liber and folio of the easement document.
- 12) Prior to approval of any site plan for development on proposed Parcel M or proposed Parcel O, the Applicant must obtain approval of a preliminary plan amendment that establishes an easement for future dedication for right-of-way for the North Bethesda Transitway along the property frontage of Old Georgetown Road on the same terms and conditions as set forth in Condition 11.
- 13) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 4, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 14) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 22, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 15) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 16) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.

- 17) Site Plan #820090030 must be approved by the Board and the certified site plan must be signed by Montgomery County Planning Department staff prior to approval of the record plat.
- 18) The certified preliminary plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the site plan process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 19) The Preliminary Plan will remain valid until November 25, 2013. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed. This condition modifies Condition of Approval 13 of the Planning Board Opinion dated October 25, 1999.
- 20) The Adequate Public Facility (APF) review for the preliminary plan will remain valid until November 25, 2013.
- 21) All remaining applicable previous conditions stated in the Planning Board Opinion of October 25, 1999, and the Planning Board Opinion of November 9, 2004, remain in full force and effect.

SECTION 3: SITE PLAN REVIEW

Development Standards

The subject site is zoned MXPDP. The objective of the MXPDP Zone is to implement the master plan land use recommendations for comprehensively planned, multi-use centers located outside central business districts and transit station development areas. This zone is intended to provide a more flexible approach to the design and development of multi-use centers. The MXPDP Zone allows the proposed residential, office, retail, hotel, and entertainment uses. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance and the approval of the Development Plan Amendment 99-1.

Project Data Table for the MXPDP Zone

Development Standard	Permitted/ Required	DPA-99-1	Proposed for Approval, 820090030
Min. Gross Tract Area (GTA) (acres)	20	53.4 (2,326,104 SF)	30.17 (1,314,205 SF)
Roadway Dedications (acres)	n/a	2.86	
Net Tract Area (acres)	n/a	50.54	
Density			
Commercial (GSF) - Office - Retail/restaurant Entertainment Community center Institutional (GSF) Residential (D.U.s) - Multi-family - MPDUs Hotel (GSF) - Rooms		1,050,000 830,000 to 900,000 150,000 to 220,000 45,000 to 90,000 25,000 to 30,000 80,000 to 185,000 1,250 226 n/a	<u>759,900</u> 549,900 210,000 90,000 Dedicate 0.57 ac pcl ^(a) 161 ^(b) 44 ^(c) 200,000 ^(d) 200
Max. Residential Uses (% of GTA) 59-C-7.52(a)(4)	40		33.9 ^(e)
Max. Residential Density (d.u./ac.) 59-C-7.53(a)	75	23.4	23.4 ^(f)
Max. Retail Uses (% of commercial uses) 59-C-7.52(b)(2)	20		20
Max. Commercial/ Industrial Density (FAR) 59-C-7.54	0.75	0.45	0.33 ^(g)
Max. Building Height (ft)	n/a		

Building 1			249.5
Building 2			272.0
Building 3			39.0
Building 4			87.5
Building 5			33.0
Building 6A			35.5
Building 6B			29.0
Building 6C			26.0
Building 7			179.0
Building 8			32.0
Building 9A/B			71.0
Building 9C			75.0
Min. Green Area (% of GTA) 59-C-7.56			
- Residential	50 (9.0 acres)		86.8 (15.71 acres) ^(h)
- Commercial/industrial	40 (4.5 acres)		54.7 (6.2 acres)
- Overall total	(13.5 acres)		(21.9 acres)
Min. Building Setbacks (ft)			
- From private streets	n/a		9
- From County Roads	n/a		22
Max. Parking Spaces	3,005 ⁽¹⁾		3,162
Min. Handicap Spaces			
- Van spaces			21
- Regular			50
Min. Bicycle spaces (59-E-2.3(a))	93 ⁽¹⁾		93
Min. Motorcycle spaces (59-E-2.3(d))	46 ⁽¹⁾		46

(a) The Applicant will dedicate a 0.57-acre parcel to Montgomery County for future public recreation use.

(b) The number of dwelling units approved under Phase I and Phase II combined with the proposed 161 d.u. equal the maximum of 1,250 d.u. allowed under DPA 99-1 for the entire Rock Spring Centre. Phase I (Site Plan No. 82000034A & 820000350) approved a total of 386 d.u. Phase II (Site Plan No. 82004017B & 82003036B) approved a total of 703 d.u.

(c) This represents 27% of the 161 MPDUs being provided with this site plan. The number of MPDUs approved under Phase I and Phase II combined with the proposed 44 MPDUs equals the required 226 MPDUs under DPA 99-1 for the entire Rock Spring Centre. Phase I (Site Plan No. 82000034A & 820000350) approved a total of 71 MPDUs (although only 70 MPDUs were built). Phase II (Site Plan No. 82004017B & 82003036B) approved a total of 112 MPDUs.

(d) Preliminary Plan Amendment #11998092B approved the conversion of 97,300 SF of approved office and 102,700 SF institutional use for a 200,000 SF hotel (200 rooms).

(e) Calculated as the sum of all residential parcels (Parcel 22, Avalon Bay = 10.44 acres; Parcel 20, High Rise Residential = 3.09 acres; Parcel 21, High Rise Residential = 1.96 acres; and proposed Parcel J = 2.6 acres) divided by the overall Gross Tract Area (53.4 acres).

(f) The overall residential density for the Rock Spring Centre, a total of 1,250 units for the 53.4-acre site was established with DPA 99-1.

(g) The overall commercial density for the Rock Spring Centre, a total of 1,050,000 GSF comprised of retail and office space for the 53.4-acre site was established with DPA 99-1.

(h) Green Area for the residential portion was calculated as shown on the table below:

Parcels	Total Area	Green Area Provided
Parcel 20, High Rise Residential	3.09 acres	1.73 acres
Parcel 21, High Rise Residential	1.96 acres	1.18 acres
Parcel 22, Avalon Bay	10.44 acres	4.62 acres
Parcel 23, Open Space	–	0.85 acres
(proposed) Parcel J, Residential	2.6 acres	1.01 acres
(proposed) Parcel P, Forest Conservation Area	–	6.32 acres
TOTAL	18.09 acres	15.71 acres

- (i) Calculated at one bicycle space per 20 vehicle spaces, up to 20 spaces per facility per 59-E-2.3(a).
- (j) Motorcycle spaces calculated at 2% of vehicle spaces, up to 10 spaces per facility per 59-E-2.3(d).
- (l) Per Section 59-E-3.1, this application qualifies for a mixed-use parking credit schedule as calculated in the tables below:

	Density	Parking Ratio	Z.O. required w/out sharing
Office	549,900	2.7 sp./1000 GSF	1,485
Retail	157,500	5/1000	788
Restaurant	34,650	25/1000	867
Restaurant outdoor seating	9,000	15/1000	135
Entertainment	48,000	5/1000	240
Cinema	1,875	0.25	469
Residential 1-BR	66	1.25	83
Residential 2-BR	95	1.5	143
Hotel	200	0.7	140
Hotel meeting space	7000	10/1000	70
TOTAL			4,420

	Weekday				Weekend				Nighttime	
	Daytime (6am - 6pm)		Evening (6pm-midnight)		Daytime (6am - 6pm)		Evening (6pm-midnight)		(Midnight-6am)	
Office	100%	1485	10%	148.5	10%	148.5	5%	74.25	5%	74.25
Retail	60%	472.8	90%	709.2	100%	788	70%	551.6	5%	39.4
Restaurant	50%	433.5	100%	867	100%	867	100%	867	10%	86.7
Restaurant outdoor seating	50%	67.5	100%	135	100%	135	100%	135	10%	13.5
Entertainment	40%	96	100%	240	80%	192	100%	240	10%	24
Cinema	40%	187.6	100%	469	80%	375.2	100%	469	10%	46.9
Residential 1-BR	50%	41.5	100%	83	100%	83	100%	83	100%	83
Residential 2-BR	50%	71.5	100%	143	100%	143	100%	143	100%	143
Hotel	75%	105	100%	140	75%	105	100%	140	75%	105
Hotel meeting space	50%	35	100%	70	100%	70	100%	70	10%	7
TOTAL		2,996		3,005 *		2,907		2,773		623

* The parking requirement for this mixed use center is 3,005 spaces.

Recreation Calculations Table

Demand						
		D1	D2	D3	D4	D5
		Tots	Children	Teens	Adults	Seniors
Housing Type	Number of Units	0 to 4	5 to 11	12 to 17	18 to 64	65+
Hi-Rise (5 or more)	161	6.44	6.44	6.44	123.97	74.06
		6.44	6.44	6.44	123.97	74.06

On-Site Supply						
		D1	D2	D3	D4	D5
		Tots	Children	Teens	Adults	Seniors
Recreation Facility	Quantity Provided	0 to 4	5 to 11	12 to 17	18 to 64	65+
Tot Lot	1	9.00	2.00	0.00	4.00	1.00
Picnic/Sitting	15	15.00	15.00	22.50	75.00	30.00
Open Play Area II	1	3.00	4.00	4.00	10.00	1.00
Pedestrian System	1	0.64	1.29	1.29	55.79	33.33
Natural Areas	1	0.00	0.32	0.64	12.40	3.70
total:		27.64	22.61	28.43	157.18	69.03

Adequacy of Facilities						
		D1	D2	D3	D4	D5
d.	Total Supply	27.64	22.61	28.43	157.18	69.03
e.	90% Demand	5.8	5.8	5.8	111.58	66.66
f.	Adequate?	yes	yes	yes	yes	yes

FINDINGS

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

The site plan conforms to all non-illustrative elements and binding elements of the Zoning Case No. G-713 (Resolution No. 13-865) as later amended by Development Plan Amendment 99-1 (Resolution No. 13-1442) in terms of land use, density, location and development guidelines. The binding elements established density limits for the original

53.4-acre Rock Spring Centre tract. With this proposal, the maximum residential density of 1,250 dwelling units (including 226 MPDUs) for the entire site has been reached together with the maximum density for entertainment and retail use. Additional density for office and institutional uses is still available.

Both G-713 and DPA 99-1 reference a community center to be provided in conjunction with the redevelopment of the Rock Spring Centre site. DPA 99-1 further notes that the community center should be between 25,000 and 30,000 square feet in size located in a multi-story building (p.7 of the Resolution). In compliance with the DPA, the Applicant originally proposed a community center above the movie theater on Parcel C. However, the County has decided to forego locating the community center on the Rock Spring Centre property and instead is investigating the option of co-locating it with the renovated Davis Memorial Library off Democracy Boulevard [Appendix B]. In coordination with the County, the Applicant revised their proposal to remove the community center from Parcel C, and instead to dedicate a 0.57-acre parcel (Parcel M) on the northeast corner of the site to the County for future public recreation use.

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

As the project data table on page 25 indicates, the Site Plan meets all of the requirements and development standards of the MXP Zone. The Site Plan is below the maximum residential and commercial densities allowed by the zone and also conforms to the density recommendations in the Master Plan. With respect to green area, the Site Plan is above the minimum requirements of the zone for the commercial and residential portions of the development. The Site Plan qualifies for Mixed Use parking credit under 59-E-3.1. As a result, the number of required parking spaces is 3,005. The Site Plan proposes a maximum of 3,162 parking spaces, of which 100 are located at-grade and the remainder are located within above-grade parking structures.

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

- a. Locations of buildings and structures

The location of buildings and structures is safe, adequate and efficient. The site plan proposes to develop the southwest corner of the Davis Camalier Parcel as a mixed-use center with residential, office, hotel, retail, and entertainment uses established along existing public streets and a new grid of internal private streets. This location within the larger site allows preserving environmentally sensitive areas located in the central portion of the property and the existing estate house.

The proposed grid is generally oriented in a north-south and east-west direction with the apex on Main Street and the area enclosed by Streets “H” and “G”, referred to as the “Plazas corridor”. Both Main Street and the Plazas corridor are lined with ground floor retail uses, which help to activate the pedestrian realm. Buildings 5 and 8, fronting on the south side of Main Street, are single-story retail buildings (heights 33

and 32 feet, respectively) and setback from Rock Spring Drive to accommodate an easement for the North Bethesda Transitway along the entire frontage.



Perspective rendering looking West above Old Georgetown Road

Both Buildings 4 and 7 on the north side of Main Street accommodate the bulk of the retail parking in several stories of above grade structured parking over ground-floor retail uses. Building 4 includes a total of 554 parking spaces and Building 7 a total of 1,114 parking spaces. Additionally, Building 4 includes one level of below-grade entertainment uses, and the west side of Building 7 includes a 200-room hotel tower of 179 feet in height that functions as a landmark for this project.

Along the Plazas corridor, small 1-story pavilions (Buildings 6A, 6B, and 6C) include retail uses and restaurants with outdoor seating that take advantage of the plazas and amenities provided.

Buildings 1 and 2 with the respective heights of 249.5 feet and 272 feet front onto West Street, which will run parallel to Rockledge Drive. These buildings include ground level retail, several stories of parking and several stories of office space.

Building 3 with ground floor retail and below grade entertainment serves as a terminus for the Plazas corridor. The multi-family residential buildings (9A/9B, and 9C) front onto East Street and provide a linkage to the existing multi-family buildings along the northern edge of the Rock Spring site. The residential buildings with a combined total of 161 units, including 44 MPDUs, have 2 levels of parking and 4 levels of residential units for a total height of 71 and 75 feet. Overall, building locations take into consideration existing environmental features, solar orientation, and visibility from abutting streets. The proposed “mix of building heights” is consistent with the Master Plan recommendation (p.105).

ROCK SPRING CENTRE Building Program (revised 31 JAN 2011)										
Building	Maximum Height		Parking Spaces	Accessible		Uses				
	Feet	Stories		Cars	Vans	Office	Retail	Entertainment	Hotel	Residential
1	249.5	17	470	6	3	214,000	10,411			
2	272.0	20	666	11	4	335,900	26,114			
3	39.0	1*					30,062	42,000		
4	87.5	7**	554	8	3		35,992	48,000		
5	33.0	1					11,761			
6A	35.5	1					6,195			
6B	29.0	1					1,649			
6C	26.0	1					1,539			
7	179.0	14	1,114	16	6		63,115		183,295	
8	32.0	1					23,106			
9A/B	71.0	6***	181	4	2					119,774
9C	75.0	6	77	3	1					69,961
Total			3,062			549,900	209,944	90,000	183,295	189,735
									16,705****	
									200,000	

* One story below grade

** 6 Parking levels above 1 retail level @ street and one story below grade.

*** 4 Levels residential above 2 levels of parking

****NOTE: Additional Hotel GBA Allowed up to a maximum of 200,000 SF

In order to achieve the density and mix of uses envisioned by the Master Plan for this location, structured parking is appropriate and adequate to meet the parking needs of this development. Staff has expressed concerns, however, in regards to the high visibility of the above grade parking garage structures and has conditioned architectural treatment that matches the architecture of the rest of the building, especially along Rockledge Drive. In an effort to add variety and to further mitigate the visual impact of the above ground parking structures, Staff has conditioned adding green screens at key locations that include the corners of Buildings 1 and 2 on Rockledge and on the southern face of Buildings 4 and 7 along Main Street.

The top floors of the residential parking structures are partially exposed to the elements. For environmental reasons and in order to reduce the visual impact of the rooftop parking on the views from the open space, the Estate House and the overlooking residential units, Staff has conditioned that a portion of the roof top parking surface be covered with an overhead structure and/or vegetation (i.e. vines).



*Perspective rendering of the residential garage top on Building 9C
with proposed overhead structure looking North*

b. Open Spaces

The open spaces provided are safe, adequate, and efficient. The main area of open space runs diagonally across the center of the site, overlapping with the environmentally sensitive areas. Although this area will be available as an amenity for the residents, workers, and visitors, it will not have trails, paths or lighting to avoid disturbance of the natural systems. Within the project the main open spaces provided are urban in nature and are intimately related to the proposed retail and restaurant uses. Most open spaces along the Plazas corridor have benches, tables and chairs. In addition, the Plaza between Building 6C and Rock Spring Drive has a multi-level cascading fountain which provides a backdrop for the plaza and adequately buffers the noise from Rock Spring Drive. The Plaza at the entrance to the movie theaters (Building 3) adequately functions as a gathering place with seating provided. The open space between the two residential buildings accommodates the playground area in addition to providing a well designed grassy area with benches for residents and visitors. Spatially, this space will be a partial foreground for the Estate House and, as such, view sheds were maximized.



Illustrative rendering of the Plaza area surrounding Building 6C and cascading fountain

c. Landscaping and Lighting

The landscaping is safe, adequate and efficient. It consists of street trees along all the internal and external streets, a mix of shade and ornamental trees in the plazas and open spaces, and a mix of native shrubs, evergreens and shade trees along the forest edge. Street trees will be planted in tree pits with ground cover and continuous amended soil panels. Except for Main Street, which has 10-foot wide amended soil panels due to the wider sidewalks provided, the remaining streets have 5-foot wide amended soil panels. The larger trees of 3 to 3-1/2-inch caliper proposed on Main Street have a stronger presence, achieve an immediate visual effect and convey a “more established” character than smaller trees. For practical purposes, larger trees provide more shade and will screen some of the above grade parking structures faster than smaller trees. The character of the street will be enhanced with the architectural treatment and green screens recommended by Staff on the above-grade parking structures.

The residential buildings have traditional foundation plantings around the perimeter of the building. The foundation plantings consist of evergreen shrubs, groundcover and ornamental trees. Between the two residential buildings, the landscaping provided adequately frames an area of lawn and a tot lot. The landscaped roof structure on the top surface of the residential parking will create a more serene environment for the residences and complement the existing estate house. To the rear of the residential buildings (east side), the landscaping softens the views from Old Georgetown Road.

At the Rock Spring Drive access to the site, the landscaping combined with the proposed water feature adequately contributes to a sense of arrival and creates a gateway for the project. The building setbacks from Rock Spring Drive create an open area that is landscaped in such a way as to allow visibility into the project. The rears of Buildings 5 and 8, including loading areas, are adequately screened from Rock Spring Drive with green screens and vines.



Illustrative rendering of the Open Play Area II and tot lot between the two residential buildings

The lighting provided is safe, adequate and efficient. The lighting plan includes post top light fixtures with 25-foot aluminum posts located on the Montgomery County roads, light fixtures with a 20-foot pole on the internal private streets, decorative light fixtures with a 10-foot round pole on the pedestrian paths, linear fluorescent fixtures with a 16-foot pole on the pedestrian plaza between Buildings 5 and 8 and between the two residential buildings, and post top light fixtures with 24-foot poles on garage tops. The plan also proposes wall-mounted light fixtures on the top of the parking garages, and catenary light fixtures suspended on cables attached to the buildings and stretching above private streets H and G. These extend the pedestrian experience from the plazas, across those streets to the building wall.

d. Recreation Facilities

The recreation facilities provided are safe, adequate and efficient. The mixed-use development provides a tot lot and an Open Play Area II located between the two residential buildings, fifteen picnic/seating areas throughout the site, a pedestrian system, and natural areas. These facilities conform to the 1992 M-NCPPC Recreation Guidelines. They adequately meet the recreation demands of the future residents, as demonstrated in the Recreation Calculations table on page 28, while providing safe opportunities for leisure and recreation.



Perspective rendering of the tot lot looking south towards residential building 9C

e. Pedestrian and Vehicular Circulation Systems

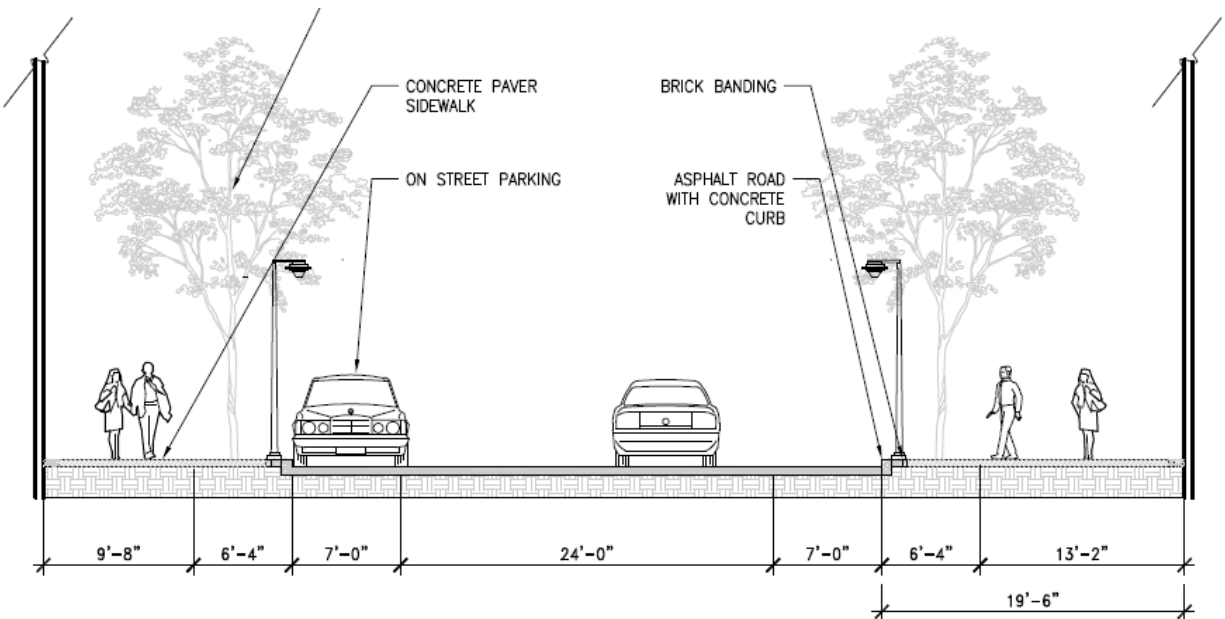
The pedestrian and vehicular circulation systems are safe, adequate and efficient. Full access movement to the site is provided via Rock Spring Drive and Rock Forest Drive off Rockledge Drive. Restricted access, with right-in right-out movements only, is permitted off Old Georgetown Road and Rockledge Drive. Internally, a grid of private streets provides access to the individual buildings and allows for efficient circulation throughout the site. Existing Rock Forest Drive, which provides access to the Avalon Bay apartments on the northern end of the site, will be connected to the proposed streets and will be part of an internal loop road.

Parking garage entrances and loading areas have been reduced and/or co-located wherever possible to minimize disruptions to the pedestrian environment while still accommodating safe vehicular movements. The majority of the loading and parking garage access will occur off North Street and West Street, which will help to preserve the pedestrian character of Main Street and Streets H and G.

Main Street will be the primary retail street with on-street parking on both sides. Only Buildings 5 and 8 will have access to the respective loading areas off Main Street. West Street connects to Main Street and continues on-street parking on both sides,

except for parking garage entrances and loading access points. Buildings 1 and 2 have co-joined their respective parking garage entrances and loading areas at the same location with access off West Street. Building 4 has loading access off West Street. North Street abuts the forest preserve area and provides access for the loading and parking garage of Building 7. North Street also provides access to the parking garage of Building 4 and includes a reserved area for drop-off to the movie theater. East Street provides access to the parking garages of the two residential buildings and has on-street parking along Building 7.

Pedestrian access to the site is accommodated via a sidewalk along the Rockledge Drive frontage, a Class I bikeway/shared use path along the Rock Spring Drive frontage, and sidewalks on all new private streets. In addition to the vehicular access points, pedestrians can also access the site at the intersection of Rockledge and Rock Spring Drives and at a mid-block location along Rock Spring Drive where the central plaza is located. A pedestrian mid-block crossing will be provided on Rock Spring Drive between the Walter Johnson High School at a location agreed by several agencies, including MCDOT, MCDPS, MCPS, Walter Johnson High School, as well as Staff and the Applicant. As a result, several improvements along Rock Spring Drive including a median with fence and landscaping are proposed to maximize pedestrian (especially student) safety at this mid-block location.



Typical cross-section of Main Street looking west

Within the site, Main Street and the Plazas Corridor will be the main pedestrian destination. The majority of the retail entrances and outdoor amenity spaces are located here. Sidewalks are wider (approximately 20 feet) to facilitate pedestrian movement. The area between Buildings 4 and 7, including Streets H and G, is paved with unit pavers, which unify this area as the center/core of the development while

giving emphasis to the pedestrian. Along North Street and a portion of East Street, the sidewalk abuts the edge of the natural preserve which allows this protected area to be better appreciated.

In accordance with the 1992 North Bethesda/Garrett Park Master Plan, the Site Plan provides an easement for future right-of-way dedication for the North Bethesda Transitway and a station on the southern portion of the site along Rock Spring Drive.

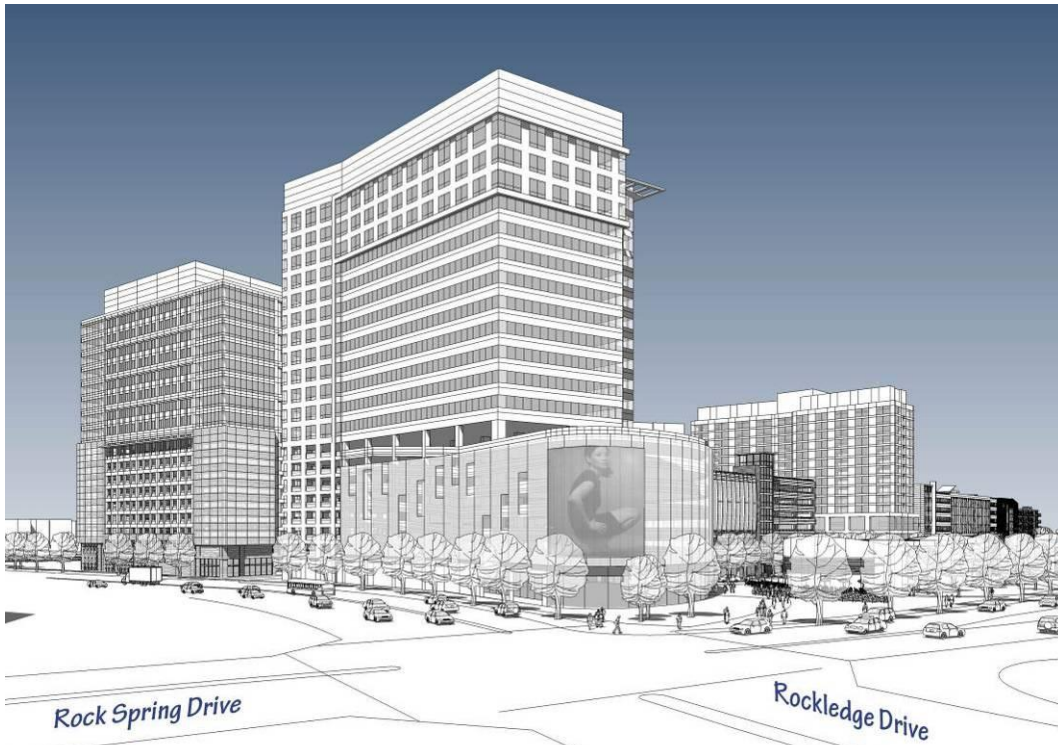
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed mixed-use center is compatible with surrounding uses including numerous corporate headquarters for high technology companies and high tech professional and service firms. The center is also compatible with the High School across Rock Spring Drive to the south. Student safety in accessing the center has been addressed with several improvements on Rock Spring Drive, including a mid-block crossing and a median with fencing and landscaping.

Within the site, the massing and height of the residential buildings took into consideration the proximity to the estate house. Proposing heights ranging between 71 and 75 feet and dividing the massing into two separate buildings with an open space in between helps to create a compatible relationship with the estate house. Additionally, the open space functions as a foreground to the estate house.

The proposed development will have a higher presence on Rockledge Drive than other existing developments, which are characterized by having an inward focus and greater setbacks from roads. In contrast, Buildings 1 and 2, with the heights of 249.5 and 272 feet, respectively, will be highly visible from Rockledge Drive due to the proposed height, massing and reduced setbacks. This will enrich the character of Rockledge Drive by providing a building edge, and framing the road with a vertical element complimentary to the width of the road. Buildings 1 and 2, the tallest proposed, are located at the western edge of the site, which is the farthest from the existing residential communities and abutting the more commercial and industrial uses found along Rockledge Drive.

The hotel tower functions as a landmark feature for this development while providing an anchor for the Plazas Corridor. Staff originally recommended having taller buildings along Rock Spring Drive to frame this road and to buffer the upper levels of the parking structures on Main Street. Instead, Buildings 5 and 8 along Rock Spring Drive are intentionally low to allow visibility towards the interior of the development and to favor the southern exposure of Main Street and the public spaces. The additional requirements of MXP Zone related to external compatibility (Sec. 59-C-7.54) do not apply because this site does not have adjoining properties developed with one-family detached homes or adjoining properties recommended for residential zoning and land use.



Perspective rendering of Buildings 1 and 2 looking north on Rockledge Drive

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, including the variance provisions to permit clearing of specimen trees, and the requirements of Chapter 19 regarding water resource protection, and any other applicable law.*

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 419941990) was originally approved on August 9, 1994, later re-approved on January 28, 1998, and revised on June 25, 1999. The current phase includes approximately 6 acres of forest clearing and accounts for an additional clearing of approximately 1.5 acres occurring in a future phase. Environmentally sensitive features, such as environmental buffers and steep slopes, occur on-site and within portions of the current phase. The previous and current plans include permanent encroachments into the Stream Valley Buffer (SVB). Mitigation for the permanent impacts is met by the proposed control of invasive species and the planting of supplemental native species throughout the remaining forest retention areas (above and beyond forest conservation requirements). The submitted Final Forest Conservation Plan (FFCP Phase III) addresses overall forest conservation requirements for the entire site and specific tree save issues for the currently proposed development.

This application requires a variance to the Forest Conservation Law, granted under the provisions of Section 22A-21, because this portion of the overall site did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009, and it proposes to remove and/or impact 14 trees greater than 30 inches DBH. The Applicant

has requested a variance to remove the trees. Based on the findings described in the preliminary plan section, the variance request from the Forest Conservation Law to remove 10 subject trees and impact 4 subject trees associated with the site is recommended for approval by M-NCPPC Staff.

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept for Phase III on December 22, 2010. The stormwater management concept includes greenroofs, bio-filtration facilities and level spreaders for roof drains which create sheet flow across grassy areas as a vegetative treatment practice. Structural measures include dry wells and underground structural water quality facilities.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820090030, Rock Spring Centre, for a mixed-use development with 210,000 SF of retail/restaurant, 549,900 SF of general office, 90,000 SF of below grade entertainment facilities, 200-room hotel, and 161 multi-family dwelling units (including 44 MPDUs), on 30.17 acres. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on November 12, 2010, are required except as modified by the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 11998092B.

2. Development Plan Conformance

The proposed development must comply with the binding elements of the Zoning Case No. G-713 (Resolution No. 13-865) and its associated Development Plan Amendment 99-1 (Resolution No. 13-1442). Before a building permit for the second office building can be issued, the Applicant must amend DPA 99-01 to remove the binding element which states, "Prior to the issuance of the building permit for the second office building, a community center must be operational or its construction must have started". The revised DPA, if needed, should show the location of the .57 acres of land that the county required for recreational use. Any such revision to the DPA should also include an update to reflect the hotel use initially approved in Preliminary Plan #1-98092A and Site Plan #8-05031.

3. Previous Site Plans

a) Site Plan No. 820050310

Approval of the subject site plan will invalidate the approved Site Plan No. 820050310.

b) Site Plan No. 820060270

Approval of the subject site plan will invalidate the submitted Site Plan application No. 820060270.

Environment

4. Forest Conservation

a) The Applicant must submit a revised Final Forest Conservation Plan (FFCP) addressing the following comments:

- i. Detail the invasive species management plan, in terms of species and treatment methods, and specifying the necessary supplemental plantings.
- ii. Revise the worksheet to account for clearing which occurred in the staging area fronting Old Georgetown Road. Adjust notes, tables and legend accordingly.
- iii. Identify the off-site forest mitigation bank and the appropriate amount of credits needed.
- iv. Clarify and correct all plan references to the phase II encroachments within the boundaries of the current phase, by providing a general note to restore and/or

- reforest the disturbed areas prior to final release of the FFCP bond associated with the current phase.
- v. Revise the legend symbols with the plan graphics for all items so they match, including but not limited to the existing/proposed forest lines and the individual tree symbols.
 - vi. Adjust legend, worksheet and any other plan reference to exclude large landscape areas from phase III (maximum landscape credit has been already been credited in a previous phase).
 - vii. Provide permanent boundary monuments at each corner of the forest conservation easements. Include additional posts along boundary lines as needed so that the spacing does not exceed approximately 150’.
 - viii. Delete the cultivar reference from reforestation list. Specify only standard native plant materials for reforestation.
- b) The Category I Easement areas as shown on the Final Forest Conservation Plan (FFCP) must be recorded by plat prior to land disturbing activities occurring onsite.
 - c) Submission of financial security for the planting requirements and invasive management work specified on the FFCP to occur prior to any land disturbing activities occurring onsite.
 - d) The certificate of compliance for the off-site forest mitigation bank must be submitted by Applicant, then approved by M-NCPPC Associate General Counsel Office prior to land disturbing activities occurring onsite.
 - e) Applicant must perform the initial invasive species control work following the preconstruction meeting, and prior to the release of building permits (to be performed along with the pre-construction measures such as tree protection). The supplemental native plantings must occur as soon as possible but no later than 2 growing seasons after the pre-construction meeting date.

5. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated December 22, 2010, unless otherwise amended and approved by the Montgomery County Department of Permitting Services [Appendix B].

6. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant’s LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Parks, Open Space, & Recreation

7. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Applicant shall provide verification to M-NCPPC staff before release of the first building permit, that Applicant’s Documents establishing the Umbrella Association for the development incorporate by reference the Covenant.

8. Recreation Facilities

- a) The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate on the certified site plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Applicant shall provide the following recreation facilities: a tot lot, an open play area II, fifteen picnic/seating areas, a pedestrian system, and natural areas.

9. Maintenance of Public Amenities

The Applicant or its successors and assigns is responsible for maintaining all publicly accessible amenities including, but not limited to a tot lot, an open play area II, fifteen picnic/seating areas, a pedestrian system, natural areas to the extent permitted by the conservation easement, bicycle facilities, water feature with signage, and plaza areas.

Transportation & Circulation

10. Transportation

Prior to certified site plan approval, the Applicant must enter into an updated Traffic Mitigation Agreement (TMA) with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to reflect the current land use. The Applicant is required to participate in the North Bethesda Transportation Management District (TMD) to assist in achieving and maintaining the 39% non-auto driver mode share goal for this TMD area.

11. Rock Spring Drive Median

The Applicant must include the final design for the Rock Spring Drive median on the certified site plan, including adequate soil depth, plant materials, street trees (where feasible), barrier fencing, and curb treatment, subject to final approval by MCDOT, MCDPS, and MCPS.

12. Pedestrian Circulation

- a) Provide a sidewalk on the south side of Rock Forest Drive between Rockledge Boulevard and the roundabout.
- b) The proposed sidewalk connections on Walter Johnson High School property are subject to modification by MCPS at time of permitting which are consistent with the configuration as shown on the site plan.
- c) Eliminate the 6-foot wide sidewalk along the Rock Spring Drive frontage since it is parallel and in close proximity to the Class I Bikeway/shared use path along the Rock Spring Drive frontage between Old Georgetown Road and Rockledge Drive.

Housing & Schools

13. Moderately Priced Dwelling Units (MPDUs)

- a) The proposed development must provide 44 MPDUs on-site consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build shall be executed prior to the release of any residential building permits.

14. Public Schools Coordination

- a) Prior to any construction on school property for the mid-block connection and associated pathways, the developer and MCPS must execute a Right-of-Entry Agreement that sets forth terms to include coordination of the work with the school principal and establishing a construction schedule in a manner that does not interfere with the daily operation of the school and its ancillary facilities.
- b) The Applicant must obtain and bear all costs for surveys, engineering design, permitting, testing, bonds/letters of credit and the like, testing, inspections approvals, as-built plans and certifications required for construction of and MCPS use of the school site improvements proposed.

Site Plan

15. Site Design

- a) Provide additional landscaping/trellis on the roof top of the residential parking structure so that a portion of the exposed pavement on the roof is covered and/or shaded.
- b) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A15-1, A15-2, A16-1-A16-7 of the submitted architectural drawings dated November 12, 2010, as determined by M-NCPPC staff.
- c) Prior to certified site plan approval, the Applicant must submit a detailed proposal for the graphic panels, screens and grills on the facades of the parking structures. Any signage proposed must be consistent with the sign ordinance Section 59-F.

16. Landscaping

- a) Provide green screens, with the minimum length of 60 feet, on the western facades of Buildings 1 and 2 along Rockledge Drive and on the southern façade of Buildings 4 and 7 along Main Street.
- b) Street trees on Main Street must be a minimum of 3 to 3-1/2-inch caliper. All other trees on the private streets must be a minimum of 2-1/2 to 3-inch caliper.
- c) Provide a continuous amended soil panel for all streets trees on private streets. The soil panel must be a minimum of 10-foot wide on Main Street, and a minimum of 5-foot wide on all other streets.
- d) Provide streets trees at 35'-0" on center along Main Street and West Street.
- e) Provide planted tree pits with the interior dimensions of 5' x 12' on all private streets except for corner locations where physical constraints prevent it.

17. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA recommendations for residential and commercial development.
- b) All onsite down-light fixtures must be full cut-off fixtures.
- c) Deflectors and/or shields must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting residential uses.
- d) Illumination levels for onsite light fixtures must not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e) The height of the light poles must not exceed 20 feet for light fixtures on internal private streets, 10 feet for light fixtures on the pedestrian paths, and 16 feet for the linear fluorescent light fixtures on the pedestrian plazas.
- f) The height of the light poles must not exceed 24 feet for light fixtures on non-residential garage tops and 12 feet for residential garage tops, as measured from the surface of the parking level to the top of the light pole.
- g) Light fixtures on non-residential garage tops must be setback a minimum of 50 feet from the edge of the parking structure.
- h) Provide a security lighting analysis in order to minimize light fixtures on the top of the residential garage.

18. Landscape Surety

The Applicant shall provide a performance bond(s) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the surety shall include plant material, on-site lighting, recreational facilities, site furniture, bicycle facilities, cascading fountain, and entry feature with signage within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c) Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

19. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) The improvements on Rock Spring Drive must be completed prior to opening the access to East Street off Rock Spring Drive.
- c) Provide each section of the development with necessary roads.

- d) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- e) Landscaping and lighting associated with each building shall be completed as construction of each building is completed.
- f) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed as construction of each building is completed.
- g) Recreation facilities including the tot lot and the open play area II must be completed prior to issuance of the 100th residential building permit.
- h) Pedestrian pathways, sidewalks and seating areas associated with each building must be completed as construction of each building is completed.
- i) The central Plaza area including seating, special paving, plantings and cascading water feature on the south side of Main Street must be completed prior to issuance of the use and occupancy permit for Building 6C.
- j) The Plaza area including seating, special paving, and plantings between Streets H and G must be completed prior to issuance of the use and occupancy permit for Buildings 6A and 6B.
- k) The Plaza area including seating, special paving, and plantings on the east side of Building 3 must be completed prior to issuance of the use and occupancy permit for Building 3.
- l) The entry feature including project sign and landscaping on the Rock Spring Drive entrance must be completed prior to issuance of the use and occupancy permit for Building 8.
- m) If construction is phased, parking requirements will be addressed via an interim parking plan to be approved by M-NCPPC and DPS Staff prior to issuance of the building permit for that particular use.
- n) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, parking and other features.

20. Certified Site Plan

Prior to 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 final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c) Add a note to the site plan stating that “All utility lines on private and public streets must be placed underground per 59-C-7.57.”
- d) Modify data table to reflect development standards enumerated in the staff report.
- e) Update parking calculations table and recreation calculations table to reflect calculations in staff report.
- f) Ensure consistency off all details and layout between site plan and landscape plan.
- g) Label proposed light fixtures on garage tops.
- h) Provide a cross section illustrating the visibility of the light fixtures on the garage tops from Rock Spring Drive and residential buildings, and visibility of the light fixtures on the residential garage tops from the residential units above, and estate house parcel.

21. Site Plan Amendments

- a) Minor modifications to landscaping, lighting, recreation and paving materials may be approved by M-NCPPC and documented with M-NCPPC and DPS Site Plan Enforcement. These minor modifications include substitution of materials (planting, lighting, recreation facilities), relocation due to placement of utilities and modifications to grading. Minor modifications can be adjusted in the field only with the approval of M-NCPPC. Minor modifications shall be considered “Administrative” or “Director Level” amendments in accordance with the Development Manual procedures.
- b) Major modifications to the site plan must follow the procedures outlined in Development Manual.

APPENDICES

- A. Previous Approvals
- B. Reviewing Agency Approvals
- C. Correspondence
- D. Proposed Preliminary Plan

Appendix A

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: November 9, 2004

Action: Approved Staff
Recommendation

Motion of Commissioner Perdue,
seconded by Commissioner Bryant,
with a vote of 5-0.

Chairman Berlage and Commissioners
Bryant, Perdue, Wellington and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-98092A (Amendment to Previous Conditions of Approval)

NAME OF PLAN: Rock Spring Center

On September 11, 2003, Applicant Penrose Development Company, LLC, submitted an application for the approval of a preliminary plan of subdivision of property in the MXPB zone. The application proposed to create 17 lots (previously approved); 1250 Multi-family Dwelling Units (previously approved); a 200 room hotel (requested amendment); 537,900 square feet of general office (requested reduction in square footage); 340,000 square feet of general retail (previously approved); 30,000 square foot community center (previously approved) on 53.4 acres of land located at the southwest quadrant of the intersection of I-270 and Old Georgetown Road (MD 187). The application was designated Preliminary Plan 1-98092A. On September 23, 2004, Preliminary Plan 1-98092A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. The property is located in the North Bethesda-Garrett Park Master Plan area.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action following the public hearing, from the

applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

This plan was previously approved, and was resubmitted to the Board to amend the previous approval as follows: (1) to add a 200-room hotel, and (2) reduce the previously-approved 637,000 square feet of general office space to 538,000 square feet of general office space. The applicant submitted traffic studies that demonstrated with this change there are adequate public facilities to support this change, as analyzed in the Transportation Division staff report in the record.

The Applicant appeared, represented by legal counsel, and testified in support of staff's recommendations and accepted all of the conditions of approval as recommended by staff.

There is no evidence or testimony in the record that rebuts staff's findings or recommendations.

Staff recommended approval of the plan, subject to the following conditions:

- 1) Amend condition No.1 of Planning Board opinion dated, October 25, 1999 for Rock Spring Center to read as follows:

Permit the replacement of 97,300 square feet (from the previously approved total of 637,200 square feet) of general office space with a 200-room hotel and the following:

- 537,900 square feet of general office
- 340,000 square feet of general retail, including a 30,000 square foot community center
- 1250 multi-family dwelling units

The applicant shall comply with the conditions, as applicable, outlined in the revised Transportation Planning Design memorandum dated, May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated, May 11, 1999.

- 2) Prior to site plan approval; update the traffic mitigation agreement (TMA) with the Planning Board and DPWT to reflect the reduced office space and new hotel. The TMA participates in the North Bethesda Transportation Management Organization (TMO) to assist the North Bethesda Transportation Management

District (TMD) in achieving and maintaining it's the 39% non-driver traffic mitigation goal.

- 3) Undergo further APF review, including an updated traffic study, for the remaining originally proposed and unapproved land uses for office, retail and institutional uses. The originally proposed build-out was a total of 1,335,000 square feet of non-residential uses.
- 4) All remaining previous conditions of the October 25, 1999 Planning Board opinion and letter of extension dated August 2, 2002 for Rock Spring Center remain in full force and effect.

The applicant appeared and testified in support of the staff recommendation. There is no written evidence or verbal testimony in the record contrary to staff's recommendation, and thus all evidence in the record is uncontested.

FINDINGS

Having given full consideration to the uncontested recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-98092A substantially conforms to the North Bethesda Garrett Park Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.
- g) The Board finds that any objection not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-98092A in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-98092A subject to the following conditions:

- 5) Amend condition No.1 of Planning Board opinion dated, October 25, 1999 for Rock Spring Center to read as follows:

Permit the replacement of 97,300 square feet (from the previously approved total of 637,200 square feet) of general office space with a 200-room hotel and the following:

- 537,900 square feet of general office
- 340,000 square feet of general retail, including a 30,000 square foot community center
- 1250 multi-family dwelling units

The applicant shall comply with the conditions, as applicable, outlined in the revised Transportation Planning Design memorandum dated, May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated, May 11, 1999.

- 6) Prior to site plan approval; update the traffic mitigation agreement (TMA) with the Planning Board and DPWT to reflect the reduced office space and new hotel. The TMA participates in the North Bethesda Transportation Management Organization (TMO) to assist the North Bethesda Transportation Management District (TMD) in achieving and maintaining it's the 39% non-driver traffic mitigation goal.
- 7) Undergo further APF review, including an updated traffic study, for the remaining originally proposed and unapproved land uses for office, retail and institutional uses. The originally proposed build-out was a total of 1,335,000 square feet of non-residential uses.

- 8) All remaining previous conditions of the October 25, 1999 Planning Board opinion and letter of extension dated August 2, 2002 for Rock Spring Center remain in full force and effect.

The date of this written opinion is November 9, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, as provided in the Maryland Rules of Procedure.

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, November 4, 2004 in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Perdue and Robinson voting in favor of the motion, ADOPTED the above Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law in Preliminary Plan No. 1-98092A.


Ellyn Dye, Technical Writer

W:\MISC.MMR\opinions\final rock spring center 1-98092.doc

MR 11/9/04
Approved for legal sufficiency
M-NCPPC Office of General Counsel



Resolution No: 13-1442
 Introduced: September 29, 1998
 Adopted: September 29, 1998

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
 SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
 OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
 WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Approval of Development Plan Amendment (DPA) 99-1

Background

1. On July 17, 1998, Lerch, Early and Brewer, Chartered, Attorneys for Camalier Limited Partnership, filed a DPA to clarify the phasing component of the development plan for 53.4 acres known as Rock Spring Centre located at the northwest quadrant of Old Georgetown Road and Rock Spring Drive, North Bethesda, in the 4th Election District.
2. The site was initially approved for the MXPB Zone under Zoning Application G-713 for a mixed use residential, office and retail project to be developed in four distinct phases. The DPA proposes to clarify the phasing component so that the Applicant can apply for available threshold capacity under the policy area transportation review without alteration to the performance standards that will govern review of intersection capacity.
3. The Technical Staff of the Maryland-National Capital Park and Planning Commission, by memorandum dated July 27, 1998, recommended approval of DPA 99-1 without modification. The full Planning Board conducted a public meeting on July 30, 1998, and unanimously recommended approval of DPA 99-1 without modification.
4. On August 4, 1998, a letter was filed in opposition and requested a hearing under the provisions of §59-D-1.74(b)(1). A hearing was convened on August 21, 1998. As a result of revisions to the DPA, the opposition was withdrawn and the Hearing Examiner recommended approval of the revised DPA.
5. On September 29, 1998 the District Council reviewed DPA 99-1 and concluded that the DPA meets the requirements of the Zoning Ordinance and its approval would be in the public interest.

Action

For these reasons and because to grant the DPA would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the DPA will be approved in the manner set forth below.

The County Council sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

DPA 99-1, which proposes to clarify the phasing component of the development plan for 53.4 acres known as Rock Spring Centre located at the northwest quadrant of Old Georgetown Road and Rock Spring Drive, North Bethesda, in the 4th Election District, is approved, subject to the specifications and requirements of the revised DPA; provided that within 10 days after receipt of this resolution, the Applicant must submit the revised development plan for certification by the Hearing Examiner in accordance with §59-D-1.64 with reference to Ex. 780(b) as modified by DPA 99-1 and include the revised phasing plan as an attachment.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Secretary of the Council

AMENDED PHASING ELEMENT OF DEVELOPMENT PLAN

APRIL 14, 1997

AS REVISED BY DPA 99-1 ON SEPTEMBER 29, 1998

One or more preliminary plans may be filed for Rock Spring Centre in order to establish the Applicant's priority status for threshold capacity available in the North Bethesda Planning Policy Area. The actual number of preliminary plans, or portions of a preliminary plan, approved for Rock Spring Centre (one or more), and the amount of development approved in the preliminary plan or plans (number of residential units and non-residential square footage), will be determined on the basis of threshold capacity and local area review capacity available. As capacity becomes available in the North Bethesda Planning Policy Area, the Planning Board may approve a preliminary plan or a portion of a preliminary plan for development that correlates to the available capacity. The determination of compliance with all conditions of the Phasing Plan including the transportation performance standards contained in conditions I.C., D. and F., II.E. and F, III.C. and D., and IV.C. and D. of the Phasing Plan will occur at the time of Preliminary Plan approval or approvals by the Montgomery County Planning Board for each phase, part of a phase, or combination of phases, for which threshold capacity is available and for which the Applicant provides a current traffic analysis and measurements.

PHASE I: SUBDIVISION APPROVAL FOR ANY DEVELOPMENT CANNOT BE GRANTED UNTIL ALL REQUIREMENTS OF THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING POLICY AREA THRESHOLD CAPACITY AND LOCAL AREA REVIEW ARE SATISFIED FOR SUCH DEVELOPMENT. SITE PLAN(S) FOR PHASE I SHALL NOT RECEIVE APPROVAL UNTIL THE FOLLOWING HAS TAKEN PLACE:

LOCAL INTERSECTION IMPROVEMENTS AS REQUIRED TO MEET A.P.F.
ARE APPROVED

- A. Local intersection improvements as required to meet A.P.F. are approved;
- B. At the commencement of Phase I, either the IBM improvements along Old Georgetown Road are included in the C.I.P. or equivalent capacity is achieved from other mitigation measures;
- C. At the commencement of Phase I, the Applicants or their successors in interest must enter into an agreement to provide funding for operational improvements at the intersection of Old Georgetown Road and Tuckerman Lane which are necessary to meet APFO requirements;
- D. At the commencement of Phase I, the Applicants or their successors in interest must enter into an agreement to provide funding for other improvements or traffic mitigation measures determined by the Planning Board as necessary to accommodate Phase I in its entirety;
- E. At the commencement of Phase I, the Applicants or their successors in interest must participate in the North Bethesda Transportation Management District (TMD) on a continuous basis, and provide all necessary funding commitments for mitigation or improvements as deemed by the TMD to be necessary to accommodate Phase I in its

entirety even if the TMD transportation management fee is not extended beyond January 1, 2000; and

- F. If acceptable improvements or mitigation measures are not feasible to accommodate Phase I development in its entirety, as determined by the Planning Board at the commencement of Phase I or at any time during subdivision review of Phase I, this phasing plan will automatically terminate and any further development will not be approved until authorized by the District Council under the development plan amendment (D.P.A.) process.

<u>Phase</u>	<u>Use</u>	<u>Component Size/Description</u>
I	Residential	300 to 400 dwelling units*

Internal roads, pedestrian paths, infrastructure and parking to serve above uses.

PHASE II: SUBDIVISION APPROVAL FOR ANY DEVELOPMENT CANNOT BE GRANTED UNTIL ALL REQUIREMENTS OF THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING POLICY AREA THRESHOLD CAPACITY AND LOCAL AREA REVIEW ARE SATISFIED FOR SUCH DEVELOPMENT. SITE PLAN(S) FOR PHASE II SHALL NOT RECEIVE APPROVAL UNTIL THE FOLLOWING HAS TAKEN PLACE:

- A. COMPLETION OF CONSTRUCTION OF I-270 H.O.V. LANE PROJECT
(I-495 TO CLARKSBURG)
- B. LOCATION APPROVAL BY FEDERAL HIGHWAY ADMINISTRATION AND
LOCATION/DESIGN APPROVAL BY STATE HIGHWAY ADMINISTRATION
FOR RAMP ACCESS TO ROCK SPRING PARK FROM THE INTERSTATE
SYSTEM;
- C. RAMP ACCESS TO ROCK SPRING PARK FROM THE INTERSTATE
SYSTEM IS INCLUDED IN APPROVED ROAD PROGRAM AS ELIGIBLE FOR
LOCAL AREA REVIEW;
- D. The applicants or their successors in interest must
continue to participate in the North Bethesda TMD and
provide all necessary funding commitments for
mitigation or improvements as deemed by the TMD to be
necessary to accommodate all of Phase II even if the
TMD transportation management fee is not extended
beyond January 1, 2000;
- E. At the commencement of Phase II, the applicants or
their successors in interest must enter into an

agreement to provide funding for other improvements or mitigation measures determined by the Planning Board, as necessary to accommodate all of Phase II in its entirety, and in making this determination the Board must apply performance standards that require specified improvements or mitigation to achieve a CLV of no more than 1,700 at the intersection of Old Georgetown Road and Tuckerman Lane, and a CLV of no more than 1,600 at the intersections of Old Georgetown Road with Rock Spring Drive and Democracy Boulevard and the performance standards must be applied in place of normal APFO requirements for each subdivision review under Phase II, unless the CLV standard is revised in which case, the revised standard will apply; and

- F. If the performance standards cannot be met, as determined by the Planning Board at the commencement of Phase II or at any time during subdivision review of Phase II, this phasing plan will automatically terminate and any further development will not be approved until authorized by the District Council under the development plan amendment process.

<u>Phase</u>	<u>Use</u>	<u>Component Size/Description</u>
II	Retail (Including Market Square, Cafes and Restaurants)	150,000 to 220,000 sq. ft.***
	Entertainment	Up to 90,000 sq. ft., i.e. theater****
	Residential	400 to 950 dwelling units***
	Institutional	Up to 185,000 sq. ft., i.e.**** religious/educational
	Office	Up to 280,000 sq. ft.
	N. Bethesda Community Center	Site for 25-30,000 sq. ft. multi-story building**

Internal roads, pedestrian paths, infrastructure and parking to serve above uses. Agreement for dedication of the right-of-way for ramp access from I-270 into Rock Spring Park will occur in conjunction with the first subdivision application for post Phase I development following location approval by Federal Highway Administration and Location/Design approval by State Highway Administration for ramp access from the east spur of I-270 into Rock Spring Park, but not later than 3 years from said Location/Design approval. Actual dedication will occur at time of plat recordation. Said dedication for ramp access shall be subject to the owner's rights to utilize capacity created thereby, as determined by the Planning Board, applying customary allocation practices.

PHASE III: SUBDIVISION APPROVAL FOR ANY DEVELOPMENT CANNOT BE GRANTED UNTIL ALL REQUIREMENTS OF THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING POLICY AREA THRESHOLD CAPACITY AND LOCAL AREA REVIEW ARE SATISFIED FOR SUCH DEVELOPMENT. SITE PLAN(S) FOR

PHASE III SHALL NOT RECEIVE APPROVAL UNTIL THE FOLLOWING HAS
TAKEN PLACE:

- A. CONSTRUCTION OF RAMP ACCESS TO ROCK SPRING PARK FROM
THE INTERSTATE SYSTEM HAS COMMENCED;

- B. The applicants or their successors in interest must
continue to participate in the North Bethesda TMD and
provide all necessary funding commitments for
mitigation or improvements as deemed by the TMD to be
necessary to accommodate all of Phase III as approved
even if the TMD transportation management fee is not
extended beyond January 1, 2000;

- C. At the commencement of Phase III, the applicants or
their successors in interest must enter into an
agreement to provide funding for other improvements or
mitigation measures determined by the Planning Board,
as necessary to accommodate all of Phase III in its
entirety, and in making this determination the Board
must apply performance standards that require specified
improvements or mitigation to achieve a CLV of no more
than 1,700 at the intersection of Old Georgetown Road
and Tuckerman Lane, and a CLV of no more than 1,600 at
the intersections of Old Georgetown Road with Rock
Spring Drive and Democracy Boulevard and the
performance standards must be applied in place of
normal APFO requirements for each subdivision review

under Phase III, unless the CLV standard is revised in which case, the revised standard will apply; and

- D. If the performance standards cannot be met, as determined by the Planning Board at the commencement of Phase III or at any time during subdivision review of Phase III, this phasing plan will automatically terminate and any further development will not be approved until authorized by the District Council under the development plan amendment process.

<u>Phase</u>	<u>Use</u>	<u>Component Size/Description</u>
III	Residential	unbuilt balance, if any***
	Retail	unbuilt balance, if any***
	Office	up to 280,000 sq. ft.***
	Internal roads, pedestrian paths, infrastructure and parking to serve above uses.	

PHASE IV: SUBDIVISION APPROVAL FOR ANY DEVELOPMENT CANNOT BE GRANTED UNTIL ALL REQUIREMENTS OF THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING POLICY AREA THRESHOLD CAPACITY AND LOCAL AREA REVIEW ARE SATISFIED FOR SUCH DEVELOPMENT. SITE PLAN(S) FOR PHASE IV SHALL NOT RECEIVE APPROVAL UNTIL THE FOLLOWING HAS TAKEN PLACE:

- A. Construction of ramp access to Rock Spring Park from the interstate system has been completed in its

entirety so that both northbound and southbound ramps are available for traffic to enter and exit the Park.

- B. The applicants or their successors in interest must continue to participate in the North Bethesda TMD and provide all necessary funding commitments for mitigation or improvements as deemed by the TMD to be necessary to accommodate all of Phase IV as approved in its entirety even if the TMD transportation management fee is not extended beyond January 1, 2000;
- C. At the commencement of Phase IV, the applicants or their successors in interest must enter into an agreement to provide funding for other improvements or mitigation measures determined by the Planning Board, as necessary to accommodate all of Phase IV in its entirety, and in making this determination the Board must apply performance standards that require specified improvements or mitigation to achieve a CLV of no more than 1,700 at the intersection of Old Georgetown Road and Tuckerman Lane, and a CLV of no more than 1,600 at the intersections of Old Georgetown Road with Rock Spring Drive and Democracy Boulevard and the performance standards must be applied in place of normal APFO requirements for each subdivision review under Phase IV, unless the CLV standard is revised in which case, the revised standard will apply; and

D. If the performance standards cannot be met, as determined by the Planning Board at the commencement of Phase IV or at any time during subdivision review of Phase IV, this phasing plan will automatically terminate and any further development will not be approved until authorized by the District Council under the development plan amendment process.

<u>Phase</u>	<u>Use</u>	<u>Component Size/Description</u>
IV	Office	unbuilt balance***

Internal roads, pedestrian paths, infrastructure and parking to serve all uses.

ALL PHASES: Notification. Simultaneously with the submission, whether formal or informal, of documentation, of whatever kind or by whatever name, to the Planning Board for any review or approval of any phase of this project, the applicants or their successors in interest shall send written notification of such submission, including a description of same, to the North Bethesda Congress of Citizens Associations, Luxmanor Citizens Association, Wildwood Manor Citizens Association and Saint Mark Presbyterian Church (collectively, "the Organizations"). On request from any of the Organizations, the applicants or their successors in interest shall promptly provide, at no cost to the requestor(s), a complete copy of the documentation submitted to the Planning Board. The Organizations shall provide similar notification to the applicants, or applicants' successors in interest, of submissions by any of the Organizations.

* The Applicant may have up to 200 additional dwelling units, or their residential equivalent (i.e. an elderly housing facility or nursing and care home), approved in Phase One if they can successfully demonstrate that all requirements of the Adequate Public Facilities Ordinance of the Montgomery County Code, including Policy Area Threshold capacity and Local Area Review are satisfied.

** The Master Plan guideline #3 does not require the Community Center until later stages. The Applicant will make the Community Center site available to Montgomery County to allow its construction within the second phase of development.

*** The overall Development Program for residential, retail and office uses shall not exceed the Master Plan limits of 1250 dwelling units (including 226 MPDUs), and 1,050,000 square feet of commercial comprised of retail in the range of 150,000 to 220,000 square feet and office in the range of 830,000 to 900,000 square feet.

**** May be constructed in Phase II or beyond, however total square footage will not exceed the Development Plan Limits of 185,000 square feet of Institutional and 90,000 square feet of Entertainment uses.

In addition, in conformity with the Hearing Examiner's recommendation regarding the Estate House, the Applicants amend the Development Plan to include the following condition:

"Upon rezoning of the property to the MXP zone for the development provided for in this Plan, the landowners will agree to lease the existing estate house to the County for use as an interim community center. Subsequently, as part of the development of the site, the Davis estate house would be used for some purposes

such as a day-care center, conference center, meeting place, or other uses to serve residents and/or employees consistent with the covenant upon this land."

R:\dept\re\cmb\60519\phasing.o11wamend

Appendix B



DEPARTMENT OF RECREATION

Isiah Leggett
County Executive

Gabriel Albornoz
Director

July 20, 2010

Steven A. Robins, Esq.
Patrick L. O'Neil
Lerch, Early & Brewer
3 Bethesda Metro Center
Suite 460
Bethesda, Maryland 20814

Dear Mr. Robins and Mr. O'Neil:

This letter serves as a follow up to our discussions over the past months regarding the status of the North Bethesda Recreation Center project. The County is investigating the option of co-locating the North Bethesda Community Recreation Center with the renovated Davis Library on the library tract off of Democracy Boulevard, in close proximity to your client's Rock Spring Center property. As a result, the County has decided to forego locating the Recreation Center on the Rock Spring Center property. However, the County will accept dedication of .57 acres as identified on the attached plat for future public recreation use in order for the Developer to fully satisfy its obligations under Council Resolution 13-865 (approving the rezoning of the Rock Spring Center property to MXPD zoning including the Development Plan and amendments thereto).

It should be noted that the decision to co-locate the Library and Recreation Center is made, in large part, because co-location will save the County in both capital and operating dollars. We truly appreciate the efforts that you and your client have expended to work with the County on this matter. If you have any questions, please do not hesitate to contact me at (240) 777-6800.

Sincerely,

Gabriel Albornoz
Director

attachment

Office of the Director

4010 Randolph Road, Silver Spring, Maryland 20902-1099 • 240-777-6800, TTY 240-777-6891, Fax 240-777-6803



AREA TO BE DEDICATED TO
MONTGOMERY COUNTY

JULY 9, 2010
DESCRIPTION OF
A PORTION OF THE PROPERTY OF
CAMALIER LIMITED PARTNERSHIP
LIBER 7531 FOLIO 859
AND DAVIS BROTHERS/MONTGOMERY FARM
LIMITED PARTNERSHIP
LIBER 7531 FOLIO 865
ROCKVILLE ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being part of the property acquired by Camalier Limited Partnership, a Maryland Limited Partnership, from Anne D. Camalier by deed dated December 29, 1986 and recorded in Liber 7531 at Folio 859 and part of the property acquired by Davis Brothers/Montgomery Farm Limited Partnership, from Floyd E. Davis, Jr., by deed dated December 29, 1986 and recorded in Liber 7531 at Folio 865 all among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point on the South $43^{\circ} 38' 12''$ West, 213.64 foot plat line of Parcel 22, Rock Spring Park, recorded as Plat No. 23708 among the aforesaid Land Records, being 38.43 northerly from the southerly end thereof; thence running with a portion of said plat line and in the Datum of Maryland State Grid North (NAD83/91)

- 1.) North $43^{\circ} 37' 30''$ East, 100.87 feet to a point; thence leaving said plat line and running so as to cross and include a portion of said property, the following three (3) courses and distance
- 2.) North $88^{\circ} 38' 39''$ East, 18.43 feet to a point; thence
- 3.) 16.45 feet along the arc of a tangent curve to the left having a radius of 270.00 feet and a chord bearing and distance of North $86^{\circ} 53' 54''$ East, 16.45 feet to a point; thence
- 4.) North $85^{\circ} 09' 09''$ East, 25.14 feet to a point on the westerly right-of-way line of Old Georgetown Road, width varies, as shown on State Road Commission Plat No.'s 32754 and 19022; thence running with said westerly right-of-way line of Old Georgetown Road, the following two (2) courses and distances

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262
McLean, VA • Germantown, MD • Washington, DC
www.vika.com

- 5.) 34.99 feet along the arc of a non-tangent curve to the left having a radius of 1,019.60 feet and a chord bearing and distance of South 11° 47' 46" East, 34.99 feet to a point; thence
- 6.) 159.65 feet along the arc of a non-tangent curve to the right having a radius of 1,572.35 and a chord bearing and distance of South 10° 06' 34" East, 159.58 feet to a point; thence leaving said westerly right-of-way line of Old Georgetown Road and running so as to cross and include a portion of said property, the following three (3) courses and distances
- 7.) South 83° 20' 18" West, 157.36 feet to a point; thence
- 8.) 29.65 feet along the arc of a non-tangent curve to the right having a radius of 826.00 feet and a chord bearing and distance of North 17° 24' 51" East, 29.64 feet to a point; thence
- 9.) 110.55 feet along the arc of a tangent curve to the left having a radius of 114.00 feet and a chord bearing and distance of North 09° 20' 15" West, 106.27 feet to the point of beginning containing 24,902 square feet or 0.57167 acres of land.

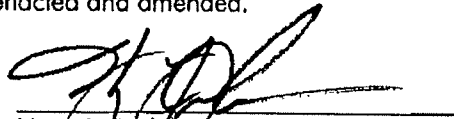
INCLUDING an area for a temporary driveway easement described as follows:

Beginning for the same at a point on the South 43° 38' 12" West, 213.64 foot plat line of Parcel 22, Rock Spring Park, recorded as Plat No. 23708 among the aforesaid Land Records, being 38.43 northerly from the southerly end thereof; thence running reversely with the ninth (9) or curved 110.55 foot line as described above.

- 1.) 73.35 feet along the arc of a non-tangent curve to the right, having a radius of 114.00 feet and a chord bearing and distance point South 18° 41' 04" East, 72.09 feet to a point; thence
- 2.) North 50° 47' 36" West, 64.03 feet to a point; thence running reversely with a portion of said North 43° 38' 12" West, 213.64 foot line of said plat No. 23708.
- 3.) North 43° 37' 30" East, 38.43 feet to the point of beginning, containing 1,509 square feet or 0.03464 acres of land.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section 8 and 12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

July 9, 2010
Date


Harry L. Jenkins
Professional Property Line Land Surveyor
Maryland No. 606



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BEARING	CH DISTANCE	DELTA
C7	60.00'	201.45'	553.50'	S56°58'49"E	119.30'	192°22'25"
C8	10.00'	17.87'	12.43'	S78°01'11"W	15.58'	102°22'23"
C9	1019.60'	41.77'	20.89'	S11°38'21"E	41.78'	2°20'49"
C10	1572.35'	272.96'	138.62'	N08°02'42"W	272.62'	9°56'48"
C11	270.00'	16.45'	8.23'	N86°53'54"E	16.45'	3°29'30"
C12	826.00'	29.65'	14.82'	N17°24'51"E	29.64'	2°03'23"
C13	114.00'	110.55'	60.05'	N09°20'15"W	106.27'	55°33'36"

PARCEL 22
ROCK SPRING PARK
PLAT NO. 23708

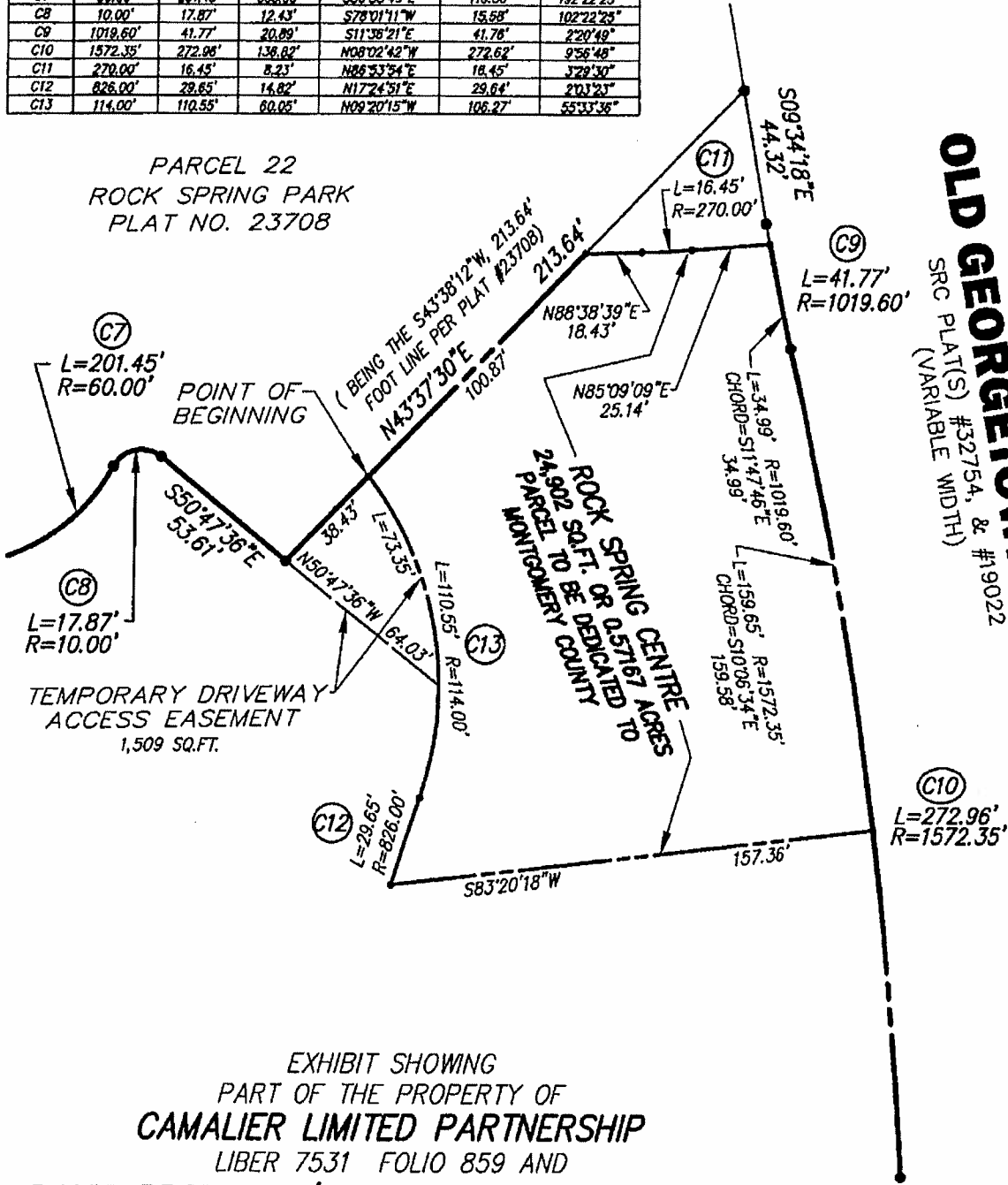


EXHIBIT SHOWING
PART OF THE PROPERTY OF
CAMALIER LIMITED PARTNERSHIP
LIBER 7531 FOLIO 859 AND
DAVIS BROTHERS/MONTGOMERY FARM LIMITED PARTNERSHIP
LIBER 7531 FOLIO 865
4TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50' MAY 5, 2010
REV. JUNE 1, 2010 REV. JULY 9, 2010



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

VIFA INCORPORATED
20251 CENTURY BOULEVARD—SUITE #400 ■ GERMANTOWN, MARYLAND 20874
(301) 918-4100 ■ FAX (301) 918-2282
GERMANTOWN, MD. MCLEAN, VA.





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

January 28, 2011

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Rock Spring Centre – Original request and revised request, DAIC 11998092B, NRI/FSD applied for on 5/24/1994

Dear Ms. Carrier:

Based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC), the application for the above referenced request is required to comply with Chapter 22A of the Montgomery County Code. As stated in a letter to Royce Hanson from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the specific provisions pertaining to significant trees in the State's Forest Conservation Act do not apply to any application that was submitted before October 1, 2009. Since this application was submitted before this date, I will not provide a recommendation pertaining to the approval of this request for a variance.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief

Pereira, Sandra

From: Shuman Jr, Richard C [Richard_C_ShumanJr@mcpsmd.org]
Sent: Friday, May 07, 2010 11:00 AM
To: 'Steven A. Robins Esq. (sarobins@lerchearyly.com)'
Cc: Wilson, MaryPat; Shpur, Michael; Turpin, Janice; Garran, Christopher S.; Pereira, Sandra; Grayson, Erin; 'sarah.navid@montgomerycountymd.gov'; 'Gries, Jean'; Tokar, James R
Subject: Walter Johnson High School - Rock Spring Cente - WITH ATTACHMENT
Attachments: Rock Spring Drive Vika Revisions.pdf
Importance: High

Dear Mr. Robbins:

We are in receipt of, and have reviewed, the "Rock Spring Center, Rock Spring Drive Exhibit" dated March 2010, annotated as being revised 03/23/10 (attached). This exhibit was prepared by VIKA, Inc. Engineers/Surveyors under their project number M5805V and was provided to MCPS for review. This exhibit reflects developer improvements to and along the drop-off loops in front of Walter Johnson High School, 6400 Rock Spring Drive, Bethesda, Maryland 20814 required to accommodate their proposed future development of Rock Spring Center on Rock Spring Drive. Based upon our review, we believe that the exhibit appropriately reflects understandings developed at meetings held at the school with you, your client, other stakeholders, County agencies and MCPS. Accordingly, MCPS supports this concept plan only in context with the proposed Rock Spring Center development plans that were presented at those meetings. Our continued support of the exhibit is also based upon our understanding that the developer will obtain and bear all costs for surveys, engineering design, permitting, testing, bonds/letters of credit and the like, testing, inspections approvals, as-built plans and certifications required for construction of and MCPS use of the school site improvements shown on this exhibit. As this exhibit is conceptual at this time, the developer must agree to notify and provide MCPS the opportunity to review and comment on any changes to this exhibit prior to their submittal for agency approvals and/or permits.

Prior to any construction on school property, the developer and MCPS must execute a Right-of-Entry Agreement that sets forth terms to include coordination of the work with the school principal and establishing a construction schedule in a manner that does not interfere with the daily operation of the school and its ancillary facilities. Please contact Mary Pat Wilson for preparation of the Agreement or to discuss any additional concerns or requirements she may have.

Craig

Montgomery County Public Schools
Division Of Construction

R. Craig Shuman, Jr.
Project Manager - Site/Civil Engineering
Phone: (240) 314-1058
Fax: (240) 314-1036
E-Mail: richard_c_shumanjr@mcpsmd.org



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 22, 2010

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11998092B
Rock Spring Centre, Amendment, Phase III

Dear Ms. Conlon:

We have completed our review of the updated preliminary plan dated July 23, 2010. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on October 6, 2008. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Please refer to our letter dated May 24, 1999 for Preliminary Plan No. 119980920 (1-98092). All conditions of that letter are still applicable unless modified below.
2. Please also refer to the comments on Site Plan 820090030 by Ms. Sarah Navid of the Montgomery County Department of Permitting Services (MCDPS). Our offices have collaborated on those comments.
3. A Public Improvements Easement may be necessary along Rockledge and Rock Spring Drives, in order to accommodate the required Class I Bikeway construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this Bikeway construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

4. Additional widening of Rock Forest Drive may be required if dual left turns are anticipated from the two residential towers on Parcels 20 & 21. Existing Rock Forest Drive has only one lane for each direction of traffic at the proposed driveway for Parcels 20 & 21.
5. Prior to approval of the record plat, the applicant's consultant will need to submit storm drain and/or flood plain studies, with computations, for review and approval by MCDOT and/or MCDPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
6. Show the locations of the proposed driveways on the preliminary plan.
7. Our file does not contain an approved Sight Distances Evaluation certification form for the intersection of proposed private Street E (East Street) and Rock Spring Drive. It appears there was an issue with the certification form under our letter for the original preliminary plan. Prior to approval of the record plat, the applicant's consultant will need to submit a completed and executed certification form, for approval by MCDOT and/or MCDPS.

We have approved the Sight Distances Evaluation certification form for the intersection of proposed private Street B (North Street) and Rockledge Drive; a copy of the approved form is enclosed. Please note that southbound left turns (into the site) and westbound left turns (out of the site) will not be permitted at this intersection.

8. Based on the revised channelization at the intersection of Street E (East Street) and Rock Spring Drive (as modified by Ms. Navid's comments), we agree that there will not be a traffic signal at that intersection; the signal warrant analysis requested in our earlier letter and DRC comments is no longer necessary.
9. Record plat to reflect denial of access along all surrounding public roads except beyond those entrances shown on the plans as updated on July 23, 2010.
10. If the Traffic Mitigation Agreement has not been updated since the original approval, we recommend this detail be resolved prior to approval of the record plat.
11. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

12. The applicant's consultant has requested a Design Exception from the Executive Branch's "Off-Street Loading Space" policy. As each of the affected structures and loading docks will be accessed solely from the internal network of private streets, we do not object to the request.
25. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
26. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
27. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter with Division of Highway Services, Tree Maintenance Section. Mr. Linkletter may be contacted at (240) 777-7651.
28. Access and improvements along Old Georgetown Road (MD 187) as required by the Maryland State Highway Administration.
29. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. On Rock Spring Drive, construct improvements shown on the proposed "Rock Spring Drive Exhibit," as modified by Ms. Navid's comments.
 - B. On Rockledge Drive construct and ADA-compatible pedestrian crosswalk just west of the main Walter Johnson Drive with an at-grade pass-thru across the median with curb ramps ramps, and storm drainage and appurtenances.
 - C. Construct sidewalk connections from the new crosswalk on the Walter Johnson High School campus as shown on the plans and/or as directed by Montgomery County Public Scholl Board.
 - D. Improvements to the existing enclosed storm drainage may be required as a result of the review mentioned in comment no. 5. If improvements are needed, the County-maintained enclosed storm drain system and/or engineered channel will need to be designed in accordance with the DOT Storm Drain Design Criteria.

Ms. Catherine Conlon
Preliminary Plan No. 1-1998092B, Rock Spring Centre, Phase III
December 22, 2010
Page 4

- E. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- F. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams at (240) 777-2197 or at david.adams@montgomerycountymd.gov or.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/DCA/Pre letters/1-1998092b, Rock Spring Center, Ph 3, FINAL.doc

Enclosure

cc: Steven A. Robins; Lerch, Early & Brewer
Jagdish Mandavia; VIKA Maryland LLC
William Landfair; VIKA Maryland LLC
Shahriar Etemadi; M-NCPPC TPD
Richard Weaver; M-NCPPC DRD
Sandra Pereira; M-NCPPC DRD
Edward Axler; M-NCPPC TPD
Ray Burns; MSHA EAPD
Preliminary Plan Folder
Preliminary Plan Notebook

cc-e: Sarah Navid; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
David Adams; MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: ROCK SPRING Preliminary Plan Number: 1- 98092A (To be Revised)

Street Name: ROCKLEDGE DRIVE Master Plan Road Classification: ARTERIAL

Posted Speed Limit: 30 mph

Street/Driveway #1 (Private Entrance) STREET B (NORTH ST.) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>530'</u>	<u>YES</u> ✓	Right _____	_____
Left <u>350'</u>	<u>YES</u> ✓	Left _____	_____

Comments: _____
 Sight distances in both directions to signalized intersections.

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
<u>Business - 30</u>	<u>200'</u>
Primary - 35	250'
<u>Arterial - 40</u>	<u>325'</u> <i>gml</i>
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Jagdish Nandan
 Signature _____ Date 11/16/10
20776
 PLS/P.E. MD Reg. No. _____



Montgomery County Review:

Approved
 Disapproved:

By: *gml*
 Date: 12/22/10

ROCK SPRING CENTRE – PHASE III

Site Plan #820090030

Department of Permitting Services – Right of Way Plan Review Section

- **The improvements on Rock Spring Drive must be completed prior to opening the access to East Street at Rock Spring Drive.**
- **The fence along the median on Rock Spring Drive must be at least 6 feet in height.**
- **The left turn lane on westbound Rock Spring Drive at Rockledge Drive may need to be lengthened (provide 6-hour turning movement count for this intersection).**
- **The proposed sidewalk connections on Walter Johnson High School property are subject to modification by MCPS at time of permitting.**
- **A sidewalk should be provided on the south side of Rock Forest Drive between Rockledge Boulevard and the roundabout.**
- **A splitter island with a pedestrian crossing should be provided on the south (new) leg of West Street at the roundabout.**
- **The location of the proposed transit station on the north side of Rock Spring Drive must be confirmed (two different locations are shown on different plans).**
- **The 8 foot wide path on the north side of Rock Spring Drive should be labeled a “shared use path” not a “sidewalk.”**
- **Provide the truck access routes and truck turning templates.**
- **Any landscaping in the county rights-of-way including the median on Rock Spring Drive and in the transit easement must be approved by DOT/DPS prior to permitting.**

Pereira, Sandra

From: Robins, Steven A. [sarobins@lercheearly.com]
Sent: Tuesday, November 25, 2008 4:42 PM
To: Kronenberg, Robert; Pereira, Sandra
Subject: FW: MD 197 Rock Spring Centre

See below.

Lerch, Early & Brewer Chtd.

Steven A. Robins, Esq.
3 Bethesda Metro Center
Suite 460
Bethesda, Maryland 20814
301-657-0747 (Direct)
800-264-8906 (National)
301-347-1778 (Fax)
301-252-1904 (Cell)
E-mail: sarobins@lercheearly.com
Web: www.lercheearly.com
Resume: www.lercheearly.com/professionals/Robins.cfm

CONFIDENTIALITY NOTICE

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From: Corren Giles [mailto:CGiles@sha.state.md.us]
Sent: Tuesday, November 25, 2008 4:10 PM
To: Robins, Steven A.; Chuck Irish
Cc: Conlon, Catherine; Etemadi, Shahriar
Subject: MD 197 Rock Spring Centre

Hello Chuck and Steve,

I have reviewed the documentation you provided regarding the RI/RO onto MD 187. Based on the documentation provided, SHA did agree to the RI/RO. Therefore my previous determination made in the October 3, 2008 letter about closing this access is rescinded. This access location is approved.

Corren V. Giles

Montgomery County Area Engineer
Engineering Access Permits Division
State Highway Administration
707 N. Calvert Street C-302
Baltimore, MD 21202



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 22, 2010

Carla Reid
Director

Jason Evans
VIKA, Inc.
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: Stormwater Management **CONCEPT** Request
for Revision to Rock Spring
Preliminary Plan #: 1-980921
SM File #: 234131
Tract Size/Zone: 30.15 acres
Total Concept Area: 17 Acres
Lots/Block:
Parcel(s): 440
Watershed: Cabin John Creek

Dear Mr. Evans :

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via the existing Rock Creek Centre pond located northwest of the intersection of Rockledge Drive and Rock Forest Drive. On-site water quality control will be provided. Fifteen volume-based Stormfilters will be provided for drainage areas 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15B. These facilities will be located "off-line" and will have the water quality volume diverted through flow-splitter manholes. Pretreatment to the Stormfilters will be provided by hydrodynamic separators. Water quality will be provided via green roof and sheet-flow to buffer credit for drainage areas 4, 14A, 14B and 16. A green roof is proposed for the building within drainage area 8. Partial green roofs are proposed for buildings within drainage areas 1, 2, 13, 15A and 15B. A Filterra will be used to treat Drainage area 17. Non-rooftop disconnect criteria will be met to provide water quality for impervious areas within disconnection areas 1, 2, 3 and drainage area 16A. A bioretention facility will provide quality control for drainage area 15A. Grass swales will provide quality treatment for roadways within drainage areas 18 and 19. Water quality will be provided for proposed sidewalk areas along Rock Spring Drive through the use of permeable concrete or via non-rooftop disconnect. On-site recharge will be provided via drywells, an infiltration trench, sheet flow to buffer credits and infiltration below the bioretention facility.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

5. Landscaping within stormwater management easements must be approved as part of the sediment control permit.
6. Obtain approval from MNCPPC for the placement of any water quality facilities within the Stream Valley Buffer.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:lla CN234131.RockSpr Revision2.EBR

cc: C. Conlon
S. Federline
SM File # 234131

QN -off-site; Acres: 17
QL - on-site; Acres: 17
Recharge is provided



FIRE MARSHAL COMMENTS

DATE: 17-Dec-10
TO: Jagdish Mandavia - VIKA
VIKA, Inc
FROM: Marie LaBaw
RE: Rock Spring Centre Phase III
11998092B 820090030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **17-Dec-10** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**** FIRE LANE ORDER MUST BE RESUBMITTED WHEN STREET NAMES AND BUILDING ADDRESSES ARE FINALIZED**



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

August 27, 2010

Steven A. Robins, Esq.
Lerch Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

RE: Rock Spring Centre Preliminary Plan Amendment No. 11998092B and
Rock Spring Centre Phase III Site Plan No. 820090030
Revised Plans

Dear Mr. Robins:

This is in response to your memorandum of July 28, 2010, requesting comments on the above applications.

The Department of Housing and Community Affairs (DHCA) reviewed and provided comments on the earlier versions of these applications (see enclosed letter dated December 16, 2008). At that time, DHCA found that the applications were consistent with the terms of the MPDU Alternative Agreement Under Section 25A (Alternative Agreement) that was approved on May 25, 2004. Although the revised Site Plan Application No. 820090030 includes changes in design of the residential component that were not contemplated by the Alternative Agreement (specifically, three (3) low-rise buildings are now proposed instead of a single high-rise building, and the buildings will include only residential units and will therefore not be mixed-use), DHCA finds that these changes do not invalidate the Alternative Agreement.

Following is a summary of how the current plans address DHCA's earlier comments. (In the future, it would be helpful if you provide point-by-point responses to DHCA's comments.)

2008 DHCA Comment #1: Only 162 MPDUs are included in the Program Summary of the Preliminary Plan Amendment, instead of the required 226 MPDUs. In addition, the information in this table is presented in a confusing manner. Although the Program Summary shows 703 total residential units in Phase II and 161 units in Phase III, the corresponding MPDUs are shown under the heading, "MPDU'S for Phases II – V." MPDUs need to be shown with their corresponding phase, and the Preliminary Plan Amendment must indicate that the MPDUs are included in the totals for each phase.

Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

The Site Plan for Phase III shows the correct total number of MPDUs (226). However, both the Preliminary Plan Amendment and the Site Plan include inconsistencies with prior Planning Board approvals and with the Alternative Agreement and, in the case of Phase I, with what was actually constructed. (Please see a summary included as Attachment I).

July 2010 Revised Plans: Most of these corrections have been made; however, the Preliminary Plan Amendment still shows the MPDUs for Phases II and III under the heading, "MPDU's for Phases II – V." To avoid confusion, the heading should read, "MPDUs for Phases II and III." In addition, the total number of MPDUs for the entire project (226) should be provided.

2008 DHCA Comment #2: *Site Plans #820050310 and #820060270 need to be withdrawn before the Planning Board hears the current Preliminary Plan Amendment and Site Plan applications, as both of these site plans were based on an amendment to the 2004 DHCA MPDU Alternative Agreement which is no longer valid.*

July 2010 Revised Plans: It is DHCA's understanding that Site Plan #820050130 will be withdrawn after the subject Preliminary Plan Amendment and Site Plan applications are approved. It is also our understanding that Site Plan #820060270 was never heard by the Planning Board.

2008 DHCA Comment #3: *Although 390 total units and 71 MPDUs were approved for Phase I (Avalon Bay at Rock Spring Centre), only 386 total units and 70 MPDUs were actually constructed, according to DHCA's records. The difference of four (4) units in the total number is made up in subsequent phases in the applicant's proposal, but the missing MPDU is not accounted for. If the applicant achieves full build-out of the 1,250 total housing units on the site, an additional MPDU must be provided to reach the required total of 226 MPDUs.*

July 2010 Revised Plans: This comment has been addressed in the current plans. An additional MPDU is now being provided in Phase III.

2008 DHCA Comment #4: *The Preliminary Plan Amendment shows an incorrect number of MPDUs for Phase II. The most recent approvals for Phase II include 64 on-site MPDUs and an in-lieu payment for 48 MPDUs (per the 2004 DHCA Alternative Agreement), for a total of 112 MPDUs in Phase II. (This information is correctly presented on the new site plan for Phase III.)*

July 2010 Revised Plans: This comment has been addressed on the Preliminary Plan Amendment.

2008 DHCA Comment #5: *The construction schedule in the MPDU Agreement to Build for the Phase II 351-unit high rise building has expired. The Applicant will need to execute an amended Agreement to Build for this building. This amended Agreement to Build will require 99 year covenants if the building is rental, or 30 year covenants if the building is a for sale condominium product.*

July 2010 Revised Plans: This is an informational comment that still applies; however, it does not need to be addressed on the plans.

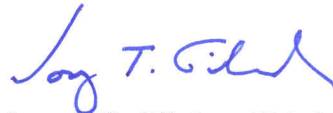
2008 DHCA Comment #6: *The MPDUs need to be distributed among the residential floors of the Phase III high-rise building, and no more than approximately one-third of the MPDUs should be located on any given floor. DHCA needs to review floor plans of the proposed residential building showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units, as well as floor plans (including dimensions and square footage) for each MPDU unit type.*

July 2010 Revised Plans: The Architectural Plans provided do not show locations of MPDUs, and the plans do not provide the level of detail indicated above. DHCA needs this information in order to complete a review of this project.

2008 DHCA Comment #7: *As required by Section 25A-5(b)(3) of the Montgomery County Code, 2004, as amended, the proposed bedroom mix of the MPDUs in the Phase III site plan is proportional to that of the market rate units.*

July 2010 Revised Plans: The revised Site Plan shows the correct proportional bedroom mix for the MPDUs and market rate units.

Sincerely,



Joseph T. Giloley, Chief
Division of Housing and Code Enforcement

cc: Rose Krasnow, Chief, Development Review Division, M-NCPPC
Robert Kronenberg, Development Review Division, M-NCPPC
Sandra Pereira, Development Review Division, M-NCPPC
Erin Grayson, Development Review Division, M-NCPPC
Vickie L. Gaul, Associate County Attorney
Richard Y. Nelson, Jr., Director, DHCA
Christopher J. Anderson, Manager, Single Family Programs, DHCA
Lisa S. Schwartz, Senior Planning Specialist, MPDU Office, DHCA

Enclosure

S:\Files\FY2011\Housing\MPDU\Lisa Schwartz\Rock Spring Centre Letter 8-27-10.doc



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

December 16, 2008

Steven A. Robins, Esq.
Lerch Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

RE: Rock Spring Centre Preliminary Plan Amendment No. 11998092B and
Rock Spring Centre Phase III Site Plan No. 820090030

Dear Mr. Robins:

In its comments at the October 6, 2008 Development Review Committee meeting, the Department of Housing and Community Affairs (DHCA) requested that the applicant of the above referenced project meet with DHCA, in order to ensure that the current proposal complies with the terms of the MPDU Alternative Agreement Under Section 25A (2004 DHCA Alternative Agreement) that was approved on May 25, 2004. At that time, DHCA staff did not provide further comments, because they expected to provide these comments after the meeting with the applicant. However, since the applicant did not schedule such a meeting, DHCA staff has reviewed the above development applications, and has determined that these development applications appear to be consistent with the terms of the 2004 DHCA Alternative Agreement. DHCA also has the following additional comments concerning the above applications:

1. Only 162 MPDUs are included in the Program Summary of the Preliminary Plan Amendment, instead of the required 226 MPDUs. In addition, the information in this table is presented in a confusing manner. Although the Program Summary shows 703 total residential units in Phase II and 161 units in Phase III, the corresponding MPDUs are shown under the heading, "MPDU'S for Phases II – V." MPDUs need to be shown with their corresponding phase, and the Preliminary Plan Amendment must indicate that the MPDUs are included in the totals for each phase.

The Site Plan for Phase III shows the correct total number of MPDUs (226). However, both the Preliminary Plan Amendment and the Site Plan include inconsistencies with prior Planning Board approvals and with the Alternative Agreement and, in the case of Phase I, with what was actually constructed. (Please see a summary included as Attachment 1).

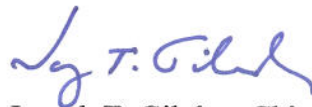
2. Site Plans #820050310 and #820060270 need to be withdrawn before the Planning Board hears the current Preliminary Plan Amendment and Site Plan applications, as both of these site plans were based on an amendment to the 2004 DHCA MPDU Alternative Agreement which is no longer valid.

Division of Housing and Code Enforcement

Code Enforcement	Moderately Priced	Housing Development	Landlord-Tenant Affairs
FAX 240-777-3701	Dwelling Unit	and Loan Programs	FAX 240-777-3691
	FAX 240-777-3709	FAX 240-777-3691	

3. Although 390 total units and 71 MPDUs were approved for Phase I (Avalon Bay at Rock Spring Centre), only 386 total units and 70 MPDUs were actually constructed, according to DHCA's records. The difference of four (4) units in the total number is made up in subsequent phases in the applicant's proposal, but the missing MPDU is not accounted for. If the applicant achieves full build-out of the 1,250 total housing units on the site, an additional MPDU must be provided to reach the required total of 226 MPDUs.
4. The Preliminary Plan Amendment shows an incorrect number of MPDUs for Phase II. The most recent approvals for Phase II include 64 on-site MPDUs and an in-lieu payment for 48 MPDUs (per the 2004 DHCA Alternative Agreement), for a total of 112 MPDUs in Phase II. (This information is correctly presented on the new site plan for Phase III.)
5. The construction schedule in the MPDU Agreement to Build for the Phase II 351-unit high rise building has expired. The Applicant will need to execute an amended Agreement to Build for this building. This amended Agreement to Build will require 99 year covenants if the building is rental, or 30 year covenants if the building is a for sale condominium product.
6. The MPDUs need to be distributed among the residential floors of the Phase III high-rise building, and no more than approximately one-third of the MPDUs should be located on any given floor. DHCA needs to review floor plans of the proposed residential building showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units, as well as floor plans (including dimensions and square footage) for each MPDU unit type.
7. As required by Section 25A-5(b)(3) of the Montgomery County Code, 2004, as amended, the proposed bedroom mix of the MPDUs in the Phase III site plan is proportional to that of the market rate units.

Sincerely,



Joseph T. Giloley, Chief
Division of Housing and Code Enforcement

cc: Sandra Pereira, Development Review Division, M-NCPPC
Erin Grayson, Development Review Division, M-NCPPC
Vickie L. Gaul, Associate County Attorney
Richard Y. Nelson, Jr., Director, DHCA
Christopher J. Anderson, Manager, Single Family Programs, DHCA
Lisa S. Schwartz, Senior Planning Specialist, MPDU Office, DHCA

Enclosure

ATTACHMENT 1: ROCK SPRING CENTRE DEVELOPMENT SUMMARY

	Phase I		Phase II		Phase III		Total	
	Total Units	MPDUs	Total Units	MPDUs	Total Units	MPDUs	Total Units	MPDUs
Prel. Plan Amendment #11998092A (approved) ¹							1250	226
2004 DHCA Alternative Agreement ²	390	71	702	112	158	43	1250	226
Approved Site Plans ³	390	71	703	112	87	0	1180	183
Constructed To Date ⁴	386	70	n/a	n/a	n/a	n/a	386	70
Prel. Plan Amendment #11998092B (proposed)	386	71	703	48	161	43	1250	162
Phase III Site Plan #820090030 (proposed) ⁵	386	71	703	112	161	43	1250	226

Notes:

¹Total units and MPDUs within each phase were approximate at the time of this approval.

²Per this Agreement, of the 112 MPDUs in Phase II, 64 are to be located on-site (32 in each of two high-rise towers), and an alternative payment is to be provided in lieu of the remaining 48 MPDUs.

³Includes Site Plan #820000340 for Phase I, Site Plan Amendments #82003036B and #82004017B for Phase II (351 and 352 units, respectively) and Site Plan #820050310 for Phase III. At the time of the approval of the site plan for Phase III, the original Phase II site plans had been amended to reduce the total number of units in Phase II from 703 to 434 (217 units in each tower), and the 64 on-site MPDUs for Phase II and the 43 MPDUs for Phase III had been shifted to subsequent development phases per an Amended Alternative Agreement executed by DHCA in 2005. At that point, the total number of units accounted for by approved site plans was 911 (390 in Phase I, 434 in Phase II, and 87 in Phase III), and the remaining balance of 339 total units and the 107 remaining on-site MPDUs were intended to be constructed in a subsequent Phase IV (Site Plan # 820060270, which was not brought to the Planning Board). However, Site Plan Amendments #82003036B and #82004017B restored the total number of units and MPDUs for Phase II to those of the original site plans, and the 2005 DHCA Amended Alternative Agreement was voided at that time. Proposed Phase III Site Plan #820090030 will replace Site Plan #820050310 and #820060270.

⁴Per DHCA records.

⁵As noted above, this site plan will replace Site Plan #820050310 and #820060270.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

January 4, 2011

Steven A. Robins, Esq.
Lerch Early & Brewer
3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

RE: Rock Spring Centre Preliminary Plan Amendment No. 11998092B and
Rock Spring Centre Phase III Site Plan No. 820090030
Resubmitted Plans

Dear Mr. Robins:

This is in response to your memorandum of November 12, 2010, requesting comments on the above resubmitted plans. I am enclosing DHCA's August 27, 2010 letter concerning this project for reference purposes.

The applicant has now adequately addressed all of DHCA's previous comments outlined in the enclosed letter. As shown on the plan dated December 13, 2010 (enclosed), the applicant's proposed distribution of MPDUs by bedroom type and location is acceptable, as is the average area for the MPDUs. Please note that, at the Agreement to Build stage, DHCA will require MPDU layouts that include dimensions and square footages of each MPDU unit type. Please also note that DHCA will soon be adopting the following size guidelines for garden apartment MPDUs: 650 square feet for one-bedroom apartments, and 825 square feet for two-bedroom apartments. However, the minimum size of any MPDU, by bedroom size, may be reduced to the minimum size of comparable market rate units of the same bedroom size.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Anderson".

Christopher J. Anderson, Manager
Single Family Programs

cc: Sandra Pereira, Development Review Division, M-NCPPC
Joseph T. Giloley, Chief, Division of Housing and Code Enforcement, DHCA
Lisa S. Schwartz, Senior Planning Specialist, DHCA

Enclosures

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Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Appendix C

Pereira, Sandra

From: Pereira, Sandra
Sent: Tuesday, March 17, 2009 4:56 PM
To: 'Pat Davenport'
Cc: Joan Hurley
Subject: RE: Rock Spring Centre (site plan application 820090030)

Ms. Davenport,

Thanks for checking-in. Since my last update, the Applicant has been coordinating issues related to access and road/pedestrian safety along Rock Spring Drive and its relationship to Walter Johnson High School with the various agencies involved as well as the School. Lately, the Applicant has been addressing mostly design issues related to our DRC comments. We had a conference call with the Applicant's team on Feb 13 to clarify some of our comments, and since then have not heard back from the Applicant.

Sincerely,

Sandra Pereira
Senior Planner

M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Pat Davenport [mailto:patdaven@gmail.com]
Sent: Friday, March 13, 2009 3:03 PM
To: Pereira, Sandra
Cc: Joan Hurley
Subject: Rock Spring Centre (site plan application 820090030)

Hello Ms. Pereira,

Could you please update me on the status of this development?

Thank you very much.

Pat Davenport
Bethesda, Maryland

On Mon, Oct 13, 2008 at 2:33 PM, Pereira, Sandra <Sandra.Pereira@mncppc-mc.org> wrote:

Ms. Davenport,

There are no substantial news on this proposal – it is still active. On October 6, MNCPPC staff and staff of other agencies provided comments to the Applicant at the Development Review Committee (DRC) meeting. The Applicant will in the next couple of weeks address these comments, and then submit revised plans.

Best regards,

Sandra

Sandra Pereira
Senior Planner

M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Pat Davenport [mailto:patdaven@gmail.com]
Sent: Monday, October 13, 2008 1:11 PM

To: Pereira, Sandra
Cc: Hisel-McCoy, Elza
Subject: Re: Rock Spring Centre (site plan application 820090030)

Hello Ms. Pereira.

Our community association is having a meeting on Monday, Oct. 20. Rock Spring Centre is on the agenda. Can you tell me if there is anything new to report? (Given the economic climate, I'm even wondering if the developer is considering putting the project on hold....)

Thanks again for any information you can provide.

Pat

On Thu, Sep 25, 2008 at 5:19 PM, Pereira, Sandra <Sandra.Pereira@mncppc-mc.org> wrote:

Ms. Davenport,

Our review is still ongoing, but I have answers to some of your questions. The current Site Plan (820090030) proposal does not (and cannot) increase the overall density for Rock Spring, which was set in 1997 in the Zoning Case, and later in 1998 through a Development Plan Amendment (DPA 99-1). These two documents set maximum density caps for the different uses that have to be taken into account in each of the successive site plan proposals.

The current proposal for Phase III, once approved, will replace the previous site plan for Phase III (820050310). Another proposal (820060270), submitted in 2006 for Phase IV, has been withdrawn. It is not clear from your question which of these previous proposals you have seen and would like to compare densities. In any case, they are all very different in

terms of net area and uses proposed, which makes it difficult to compare. In our review, we are concerned that when all the separate phases are added up, the overall density does not exceed the one established by the DPA. It does not.

Below are answers to your traffic related questions as provided by our Transportation Planning Staff:

(1) if any recent traffic studies have been done--that is, since the advent of BRAC and approval of for White Flint project--regarding the impact of the Rock Springs Centre project on traffic along roads in the immediate area (e.g., Old Georgetown Road, Rock Spring Drive, Democracy Blvd., Grosvenor Lane).

Response: For the first part, the National Naval Medical Center's BRAC study's northern limit is at Tuckerman Lane and does not extend into the Rock Spring Park area. Thus, the BRAC traffic impact is considered outside the Rock Spring Park area.

For the second part, new development in the White Flint area is included because the north-most intersection to be analyzed in the traffic study is located in White Flint.

(2) if recent studies have been done, have they taken into account increased traffic caused by BRAC and the new development near White Flint?

Response: Traffic study is not done yet, plus see the response above.

(3) what are the outcomes of those traffic studies?

Response: The outcomes are to be determined because the traffic study was not submitted to us yet.

Please let us know if you need additional clarification or have additional questions. Feel free to check back in a few weeks about the traffic study.

Thanks,

Sandra

Sandra Pereira
Senior Planner

M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Pat Davenport [mailto:patdaven@gmail.com]
Sent: Thursday, September 25, 2008 9:20 AM
To: Pereira, Sandra
Subject: Re: Rock Spring Centre (site plan application 820090030)

Good morning Ms. Pereira.

Just following up. I am wondering if you have completed your staff review and can provide me with more information the information about the Rock Spring Centre project, including whether density has increased and the project's projected impact on traffic.

Thanks!

Pat

On Wed, Sep 10, 2008 at 10:42 AM, Pereira, Sandra <Sandra.Pereira@mncppc-mc.org> wrote:

Ms. Davenport,

Thank you for your interest. I am the lead reviewer for the Rock Spring Center application and I will be happy to address all your questions and concerns. We will start our internal review shortly and then I will provide you the information that you requested. For the moment, I can clarify that this application has been submitted as a new Site Plan as opposed to an Amendment, and that no Planning Board date has been assigned.

Also you can find information and documents related to this Application on our online database – Development Activity Information Center. Please follow the directions below to access the submitted plans.

Go to the Development Review webpage at <http://www.mc-mncppc.org/development/index.shtm>. Click on 'Search for Development Activity Information' to the right. Click 'Next'. Enter **820090030** for project number and click 'Search'. Scroll down and click on 'Search for Related Plans & Reports'. Click on 'Select All' and 'Search'. You will find various links to 'submitted plans'.

Please let me know any additional questions. I'll be in touch shortly.

Sincerely,

Sandra

Sandra Pereira
Senior Planner

M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: **fax** (301) 495-1306
sandra.pereira@mncppc-mc.org

From: Sloan, Joshua
Sent: Tuesday, September 09, 2008 4:03 PM
To: 'Pat Davenport'
Cc: Pereira, Sandra; Hisel-McCoy, Elza
Subject: RE: Rock Spring Centre (site plan application 820090030)

Ms. Davenport,

I am not the reviewer of this plan but have copied the right people on this reply.

Josh

From: Pat Davenport [<mailto:patdaven@gmail.com>]
Sent: Tuesday, September 09, 2008 3:25 PM
To: Sloan, Joshua
Subject: Rock Spring Centre (site plan application 820090030)

Hello Mr. Sloan.

To follow up on my phone message. I would like some information on the Rock Spring Centre development.

At a June meeting, the developers mentioned that they would be proposing amendments to the current plan, one that was aproved by Park and Planning a few years ago. Would you please tell me what these amendments are and how they would change the current plan for developing that property.

I would also like to know (1) if the new site plan increases the density above what was approved before and (2) how the new site plan differs from the one approved a few years ago. For example, the new plan calls for a theater. I don't remember it being part of the earlier plan.

In addition to the above information, I would like to know the following:

(1) if any recent traffic studies have been done--that is, since the advent of BRAC and approval of for White Flint project-- regarding the impact of the Rock Springs Centre project on traffic along roads in the immediate area (e.g., Old Georgetown Road, Rock Spring Drive, Democracy Blvd., Grosvenor Lane).

(2) if recent studies have been done, have they taken into account increased traffic caused by BRAC and the new development near White Flint?

(3) what are the outcomes of those traffic studies?

In addition, would you be able to tell me when the Planning Board hearing might be. I looked on the P&P Web site but didn't see anything.

Thanks very much for any information you can provide.

Pat Davenport
10012 Fleming Avenue
Bethesda, Maryland 20814