Rock Spring Park, Preliminary Plan Amendment 11998093B and Site Plan Amendment, 81989049I

MB Michael Brown, Planner Coordinator, Area 2 Division, Michael.Brown@montgomeryplanning.org, 301.495.4566  
KA Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301.495.4650  
GK Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301.495.4653  
Completed: 07/03/2014

Description
- Request to resubdivide a 10.62-acre portion of the 44.16-acre property into 168 lots and dedicate 1.45 acres to Montgomery County Department of Transportation to allow the development of up to 168 townhouse units, including 12.5% MPDUs.
- Located on Fernwood Road between Rockledge and Rock Spring Drives;
- I-3 Zone in the 1992 North Bethesda/Garrett Park Master Plan area;
- Applicant: RS Associates LLC
- Filing Date: December 19, 2013

Summary
- Staff recommends approval with conditions of amendments to the Preliminary and Site Plans.
- Applicant requests approval of residential uses in the I-3 Zone pursuant to the Optional Method of Development under Section 59-C-5.439.
- Applicant is providing more than the minimum 40 feet right-of-way recommended in the Countywide Transit Corridors Functional Master Plan to allow flexibility in accommodating a station(s) for the North Bethesda Transitway in the vicinity of the intersection of Rock Spring Drive and Fernwood Road.
- The proposed lots will be served by an internal network of private streets. Per Section 50-29(a)(2), the Planning Board must find the private streets to have attained the status of public streets.
- The Planning Board must find that events have occurred to render the master plan recommendation for a reconfigured Fernwood Road/Rock Spring Drive intersection no longer appropriate.
- The Planning Board must find that the reduced building and sidewalk setback is compatible with adjacent development per Section 59-C-5.4392(2)(F).
- Applicant requests a parking waiver for a reduction of 32 spaces from the total number required.
- Applicant requests a tree variance for the removal of 10 trees.
- Applicant requests approval of 4-foot wide sidewalk between sticks. The Planning Board’s Recreation Guidelines recommend a minimum 5 feet.
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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan Amendment No. 11998093B, Rock Spring Park, subject to the following conditions:

1. Approval is limited to a maximum of 168 one-family attached lots of which 12.5% must be moderately priced dwelling units (MPDUs), associated Homeowners Association (HOA) parcels and private streets and alleys parcels; 1,554,983 square feet of general office use; and 18,000 square feet of a child day care facility with a maximum of 30 employees.
2. Prior to the release of any building permit, the Applicant must enter into a new Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District (TMD). The Applicant will assist in achieving and maintaining a non-auto driver mode share goal of at least 30% for residents per the North Bethesda/Garrett Park Master Plan.
3. Prior to approval of the final Record Plat, the Applicant must submit language to Staff that will be included in the Homeowners’ Association documents disclosing that the 32 on-site street parking spaces are restricted for visitor/guest parking only. The Applicant must provide this disclosure to all prospective purchasers in the Purchase Agreement. The 32 on-site street parking spaces must be signed for visitor/guest parking.
4. The Applicant must dedicate a 55-foot wide right-of-way along Fernwood Road and Rock Spring Drive comprising a 40-foot wide future transitway plus an additional fifteen feet for accommodation of a transit station(s) and the pedestrian promenade. The 10-feet closest to the townhouse units will consist of sidewalk and tree panel.
5. The private street network must be located within its own parcel(s), separate from the development, and the record plat must reflect a public use and access easement over the private streets, alleys, and adjacent parallel sidewalks.
6. The Planning Board has accepted the recommendation of the MCDOT in its letter dated June 6, 2014 and the amendment dated June 13, 2014 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
   a. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. The Planning Board has accepted the recommendations of the County Department of Permitting Services (MCDPS) stormwater management concept letter dated June 30, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must comply with the Amended Final Forest Conservation Plan (FFCP) as approved with Site Plan No. 81989049I.
9. The Subject Property is located in the Walter Johnson High School Cluster. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the “single-family attached” unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code and is determined by MCDPS.
10. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment (except the modifications required by these conditions), the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

11. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

12. All necessary easements must be shown on the Record Plat.

13. No clearing or grading of the Subject Property or recording of plats must occur prior to approval of the Certified Site Plan.

14. The Preliminary Plan approval will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution for this Planning Board action.

15. The Adequate Public Facility Review (APF) will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution for the Site Plan.
SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 81989049I, Rock Spring Park, for a maximum of 168 one-family attached units on 44.16 acres. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPDC are required except as modified by the following conditions.

1. Preliminary Plan Conformance
   The Applicant must comply with the conditions of approval for Preliminary Plan No. 119980930 as listed in MCPB Opinion dated March 17, 1999, and as amended by Preliminary Plan No. 11998093A as listed in MCPB Resolution No. 08-91 and Preliminary Plan No. 11998093B.

2. Site Plan Conformance
   Except as modified by this approval and only as applicable to this parcel, the development must comply with the conditions of approval for Site Plan No. 819890490 as listed in the Planning Board Opinion dated January 19, 1990, as amended by Site Plan No. 81989049A listed in the Planning Board Opinion dated February 22, 1999, Site Plan No. 81989049C listed in the Administrative Memorandum signed February 27, 2004, Site Plan No. 81989049D listed in the Administrative Memorandum signed October 4, 2005, Site Plan No. 81989049E listed in the Planning Board Resolution No. 07-34, Site Plan No. 81989049F listed in the Planning Board Resolution No. 07-196, Site Plan No. 81989049G listed in the Planning Board Resolution No. 08-92, and Site Plan No. 81989049H listed in the Administrative Memorandum signed February 2, 2012.

3. Building Height
   The maximum height for the 168 one-family attached units is 60 feet.

4. Transportation
   a. Prior to the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District (TMD).
   b. The Applicant must construct the private internal street(s) to applicable Montgomery County tertiary residential street structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards.
   c. The Subject Property is covered by a valid site plan enforcement agreement, which is not modified by this site plan amendment except to the extent that there is a direct conflict between the two, in which case this amendment supersedes only the conflicting portion of the site plan enforcement agreement.

5. Environment
   a. Prior to issuance of sediment and erosion control permits, the Applicant must seek approval from the M-NCPDC General Counsel of the Certificate of Compliance Agreement for reforestation/afforestation and must purchase the required forest bank credits.
   b. Final Sediment Control Plan must be consistent with the limit of disturbance (LOD) shown on the Amended Final Forest Conservation Plan (FFCP).
   c. The Applicant must comply with all tree protection and tree save measures shown on the approved Amended FFCP.
d. Tree save measures not specified on the FFCP may be required by the M-NCPCC forest conservation inspector at the pre-construction meeting.
e. Prior to issuance of building permits for units along Fernwood Road and Rock Spring Drive, the following must be provided to the Maryland-National Capital Park and Planning Commission (M-NCPCC) Staff:
   i. The Applicant must provide a noise analysis that includes the baseline noise and the 20-year projected noise levels for the units along Fernwood Road and Rock Spring Drive.
   ii. The Applicant must provide certification to M-NCPCC staff from an engineer that specializes in acoustical treatment that the building shell for residential units affected by exterior noise levels above 65 decibel (dBA), day-night average sound level (Ldn) will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA, Ldn.
   iii. The builder must certify that noise-impacted units will be constructed in accordance with recommendations of the engineer that specializes in acoustical treatment.

6. **Moderately Priced Dwelling Units (MPDUs)**
   Prior to the release of any building permits, the Applicant must execute an Agreement-to-Build with the Department of Housing and Community Affairs (DHCA) to provide a minimum of 12.5 percent MPDUs.

7. **Recreation Facilities**
   The Applicant must provide at least the following recreation facilities as shown on the Certified Site Plan, conforming to the 1992 M-NCPCC Recreation Guidelines:
   a. Nine Picnic/Sitting areas;
   b. Pedestrian System;
   c. Bike System; and
   d. One Multi-Age Playground.

8. **Common Open Space Covenant**
   Record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

9. **Maintenance**
   The Applicant and subsequent owner(s) are responsible for maintaining and ensuring the long term maintenance of all publicly accessible amenities including, but not limited to paving, plantings, lighting, benches, and playground equipment.

10. **Architecture**
    a. The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans submitted via ePlans unless modified by Staff approval.
    b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market rate units.
11. Pedestrian & Bicycle Circulation
   a. The Applicant must provide a total of four bike parking spaces or equivalent approved
      by Staff that conforms to American Pedestrian and Bicycle Professionals guidelines. The
      Applicant shall install the bike racks near the proposed playground and public seating
      area. The final location must be determined at Certified Site Plan.
   b. The Certified Site Plan must delineate a location for a bikesharing station in coordination
      with MCDOT based on the requirements of the bikesharing system.

12. Fire and Rescue
   The Planning Board has accepted the recommendations of the Montgomery County Fire and
   Rescue Service – Fire Code Enforcement Section in its letter dated June 2, 2014, and hereby
   incorporates them as conditions of the Site Plan approval. Therefore, the Applicant must
   comply with each of the recommendations as set forth in the letter, which may be amended by
   Montgomery County Fire and Rescue Service – Fire Code Enforcement Section provided that the
   amendments do not conflict with other conditions of Site Plan approval.

13. Landscape Surety
   Prior to issuance of the first building permit for a residential unit, the Applicant must enter into
   a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by
   the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The
   Agreement must include a performance bond(s) or other form of surety in accordance with
   Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:
   a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish
      the surety amount.
   b. The cost estimate must include applicable Site Plan elements, including, but not limited
      to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites,
      trash enclosures, retaining walls, fences, railings, private roads, paths and associated
      improvements.
   c. The bond or surety shall be tied to the development program, and completion of all
      improvements covered by the surety for each phase of development will be followed by
      inspection and potential reduction of the surety.

14. Development Program
   The Applicant must construct the development in accordance with a development program that
   will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. For the
   purposes of these conditions, a building includes all abutting one-family attached units within
   one “stick.” The development program must include the following items in the phasing
   schedule:
   a. A phasing, or sequence for the various stages of construction of the approved
      development with the associated release of permits as conditioned in the Planning
      Board resolution.
   b. 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 Staff inspection and approval of all applicable environmental
      protection devices.
   c. Prior to the release of a Use and Occupancy Certificate for each stick, street lamps and
      sidewalks adjacent to that stick must be installed. Street tree plantings may wait until
      the next growing season.
d. Prior to the release of a Use and Occupancy Certificate for each stick, on-site amenities directly abutting that stick must be installed, including, but not limited to, recreation amenities and public use space.

e. Phasing for installation of on-site landscaping and lighting.

f. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

15. Certified Site Plan

Prior to approval of the Certified Site Plan, the Applicant must make the following revisions and/or provide information subject to Staff review and approval:

a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution approving this Site Plan in the Certified Site Plan set.

b. Remove unnecessary sheets as identified by Staff.

c. Make corrections and clarifications to details, calculations, recreation facilities, labeling, data tables, and schedules as needed and directed by Staff.

d. Ensure consistency of all details and layout between architecture, site, and landscape plans.
SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject property (Site) is a combination of four lots and is bound by Fernwood Road to the south, Rock Spring Drive to the southeast and Rockledge Drive around the northern and western boundaries. I-270 is located to the north and west of the site with access from Rockledge Drive and Fernwood Road.

The neighborhood surrounding the Site is predominately corporate offices for high technology companies. Sharing the block to the east of the Site is Rockledge Executive Plaza with approximately 330,000 square feet (SF) of office space in two buildings. To the north is Rockledge Center with approximately 500,000 SF of office space in two buildings. To the northwest are Lockheed Martin Headquarters and the Center for Leadership Excellence with approximately 550,000 square feet of office space in two buildings. To the west is Democracy Center with approximately 700,000 SF of office space in three buildings. To the south is Marriott Headquarters with approximately 800,000 SF of office space in one building. To the southeast are Rock Spring Plaza, Bedford and Westmoreland totaling approximately 680,000 SF of office space in four buildings. Parking is accommodated throughout the area with a combination of structured facilities and surface lots.

Westfield Montgomery Mall is located to the southwest across I-270 and Walter Johnson High School is located to the southeast. Just north of the high school is the site of the approved, unbuilt Rock Spring Centre on 32 acres proposed with approximately 210,000 SF of retail space, 550,000 SF of office space, 200,000 SF of hotel use, 90,000 SF of cultural entertainment/recreation use, and 513 residential units.
Site Analysis

The 44.16-acre Site currently comprises four lots located in the “Rock Spring Park” district as identified by the 1992 *North Bethesda/Garrett Park Master Plan*. The parcel, identified as the “IBM parcel”, was zoned I-3. The Site currently contains four office buildings, three structured parking facilities and one surface parking lot. A stormwater management pond is located in the center of the site and serves as a landscape amenity for the office park. The Site is currently served by public water and sewer and slopes gradually down from the center to Fernwood Road in the south. It is located in the Cabin John Creek Watershed with no existing flood plains or wetlands. There is an existing Washington Suburban Sanitary Commission (WSSC) easement of 0.37 acres of frontage along Rockledge Drive (see diagram on page 15).

The 2013 *Countywide Transit Corridors Functional Master Plan* recommends a 40-foot wide right-of-way to accommodate the North Bethesda Transitway in the future. The transitway is planned between the Grosvenor Metrorail station at its eastern end and the transit center at Westfield Montgomery Mall at its western end. A station location is recommended on the Site in the vicinity of the intersection of Rock Spring Drive and Fernwood Road.

Site Aerial
Large landscaped median with Parking Garage No. 2 on the left, the original IBM Office building on the right and Building No. 2 in the background

Stormwater management pond as a landscape amenity with office buildings 6700 and 6710 Rockledge Drive in the background

The original IBM Building with Parking Garage No. 2 adjacent

Parking Garage No. 3A fronting Rock Spring Drive with the original IBM Building and Parking Garage No. 2 in the background
SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Site Plan No. 819890490 by Planning Board Opinion dated January 19, 1990 for approval of 1,635,100 square feet (0.85 FAR) of general office and ancillary uses in the I-3 Zone.

The Planning Board approved Site Plan Amendment No. 81989049A by Planning Board Opinion dated February 22, 1999 to modify the site layout, including the retention of the original IBM building and the addition of above ground parking structures.

The Applicant submitted Site Plan Amendment No. 81989049B for an extension of the validity period but it was determined a new Preliminary Plan was necessary. Preliminary Plan No. 119980930 was submitted and consequently approved by the Planning Board via Planning Board Opinion dated March 17, 1999.

The Planning Director granted administrative approval for Site Plan Amendment No. 81989049C on February 27, 2004 to provide an emergency generator for the office buildings.

The Planning Director granted administrative approval for Site Plan Amendment No. 81989049D on October 4, 2005 to modify the phasing, modify the building layout for Building 2 and make minor changes to the grading for the stormwater management facility.

The Planning Board approved Site Plan Amendment No. 81989049E by MCPB Resolution No. 07-34 to change the size of the planters in the garage, make minor grading changes to the stormwater management facility, and increase the size of the street trees.

The Planning Board approved Site Plan Amendment No. 81989049F by MCPB Resolution No. 07-196 to revise the footprint, massing and elevation of Buildings 1A and 1B, modify the footprints of Parking Garages No. 3 and 4 and revise the landscape and hardscape elements associated with the changes to the buildings and parking structure. This amendment resulted in reduction from 1,635,100 square feet to 1,634,983 square feet.

The Planning Board approved Site Plan Amendment No. 81989049G concurrently with Preliminary Plan Amendment No. 11998093A by MCPB Resolution Nos. 08-92 and 08-91 respectively to convert 18,000 square feet of office to a daycare facility and modify the landscape to include an outdoor play area.

The Planning Director granted administrative approval for Site Plan Amendment No. 81989049H on February 2, 2012 to add a new monument sign and modify an existing monument sign.
Proposed Project

This application proposes development only on Lot 5 of which the Applicant has authorization to improve a 10.62-acre portion of the 44.16-acre total acre of land subject to previous approvals listed on page 13. The Applicant proposes a townhouse community on the portion of Lot 5 previously reserved for Buildings 1A and 1B of office use and Parking Structure No. 3, pursuant to the Optional Method of Development of the I-3 Zone. The proposal is for 168 townhouse units, including 21 three-bedroom MPDUs (12.5%) on approximately 10.62 acres of net lot area. There are twenty-two sticks of townhouses (buildings) each ranging from 5 to 13 attached units; only three buildings are proposed with 10 or more units. The Applicant proposes a future dedication of 1.45 acres along Fernwood Road and Rock Spring Drive to the Montgomery County Department of Transportation (MCDOT) to accommodate the North Bethesda Transitway.

![Illustrative Site Plan](image)

The townhouse units will be arranged with front doors facing streets or open space with rear-loaded garages. The proposed development will be served by internal private streets and a series of alleys with two points of primary vehicular access from Rockledge and Rock Spring Drives. A private loop street will serve as the primary internal road for the development.
A central open space will be provided along with a pedestrian promenade at the periphery and through the center of the Site. The central open space will include a multi-age playground and a grass area for open play.

**North Bethesda Transitway**

The Applicant has provided an expanded transit easement to accommodate the proposed BRT station and travel route. The *Countywide Transit Corridors Functional Master Plan* calls for a 40-foot easement along Fernwood Road and Rock Spring Drive to be used for the North Bethesda Transitway. The Applicant has agreed to provide an additional 15 feet continuous, parallel dedication for ultimate flexibility in accommodating the transitway along with a station(s) and stormwater management features. The additional 15-foot dedication will overlap a portion of the proposed 20-foot promenade. The total area of the 55-foot wide dedication to MCDOT will be approximately 1.45-acre dedication. The Applicant proposes to transfer the land after the 20-foot promenade is built.

As an interim condition, the area reserved for the BRT travel route and station(s) will be grass lawn. The promenade will have connections to the public sidewalk near Fernwood Road’s intersections with Rockledge and Rock Spring Drives.

The exact configuration of the North Bethesda Transitway will be determined by MCDOT at a later time. However, it is expected that the majority of the 20-foot promenade along Fernwood Road and Rock Spring Drive will remain intact for pedestrian and bike circulation. See illustrations below.
Potential Site Plan with Future North Bethesda Transitway

Cross Sections illustrating potential conditions with an implemented BRT System. The illustration (top) shows bus travel lanes adjacent to the proposed 20-foot promenade. The illustration (bottom) shows bus travel lanes and a potential station with a reduced promenade.
Architecture
The proposed townhouse units will vary between widths of 14, 16, 18, 19 and 22 feet. The majority of the units will be four stories with a maximum height of 60 feet. Units will feature private outdoor terraces on the third or fourth levels with an option for decks and/or Juliette style balconies.

The proposed townhouse units are designed to reflect the contemporary style of the adjacent commercial buildings. While the façade materials will include familiar residential components such as brick, fiber cement siding and color-tinted glass, its application and the façade composition will create a unique residential style for the office park setting. Large casement windows, light colors and strong vertical elements lend to the contemporary facade. A block of units will feature variation in material color, bay window and front entry configurations to distinguish the individual units.

Community Outreach

The Applicant has met all proper signage, noticing, and submittal requirements. The Applicant held numerous meetings with adjacent property owners who are in support of the proposal. The Applicant sent a notice to all adjacent and confronting property owners. The Applicant also held a pre-submittal meeting on September 25, 2013, at the Davis Community Library. Staff has not received correspondence on this matter.
SECTION 4: PRELIMINARY PLAN REVIEW

Master Plan Conformance

A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate. (Montgomery County Code Chapter 50: Subdivision Regulation, Section 50-35(l))

The Approved and Adopted (1992) North Bethesda/Garrett Park Master Plan (Plan) identifies the Property as IBM parcel (No. 9) of the Rock Spring Park district. The Plan’s objectives for the parcels in this district include the following:

- Provide for reasonable expansion of existing office uses.
- Add residential and retail uses.
- Preserve publicly accessible open space.
- Provide pedestrian and bicycle paths linking the open space with others areas in the office parks, with public facilities, and with adjacent residential neighborhoods.
- Integrate transitway stations and right-of-way into future development. (p.94)

The proposed application:

- Introduces residential use into a suburban office park;
- Preserves over forty percent of green area and adds a central, recreational space for residents and office workers;
- Adds a 20-foot wide promenade for recreational use around the periphery of the Site and through the center. It also provides new sidewalks that allow for movement to and through the Site. The application upgrades the sidewalk along Rock Spring Drive and Fernwood Road by introducing a 5-foot wide green panel with street trees along the curb; and
- Provides a fifty-five foot wide easement for future dedication along the periphery of the site for the North Bethesda Transitway as called for in the Countywide Transit Corridors Functional Master Plan.

The Plan recommends support for the expansion of “office development on the IBM parcel that includes a retail component; a public park; an easement for transitway station/right-of-way, and bicycle path; pedestrian paths, and streetscape improvements.” (p.94)

The Plan, adopted in 1992, reflected the approved Preliminary and Site Plans of office and retail for the 44-acre site. To date, 1.55 million of the approved 1.63 million square feet of commercial development has been constructed. Given the weak market for office space in the foreseeable future, the application seeks to replace the approved, unbuilt office buildings with 168 townhouse units. Although the specific recommendations for this parcel did not envision residential uses, mixed use development is encouraged in the Rock Spring district. Therefore, Staff concludes that the exclusion of residential from the site specific recommendation is no longer appropriate.
The Plan also provided Development Guidelines for the IBM Parcel on pages 101-102. They include the following:

- **Ensure that individual buildings are part of a design scheme that organizes the elements into a coherent whole. Provide a strong relationship between the form and materials so that the buildings are compatible with each other and are viewed as parts of one building composition.**

- **Orient the buildings to create a significant open space that is not only a visual focal point but a highly accessible to and usable by the public.**

- **Provide pedestrian links between all sides of the central public park and other pedestrian destinations along the exterior roadways.**

- **Provide an easement for future dedication of all necessary right-of-way for the North Bethesda Transitway and a station along the southern portion of the site.**

- **Coordinate the design of the retail structure with that of the transit station to create a focal point of activity and vitality in Rock Spring Park and a link to the central public park.**

- **Accommodate to a reasonable extent the reconfiguration of the Fernwood Road/Rock Spring Drive intersection.**

- **Provide streetscape elements along the realigned road, including sidewalks, street trees, benches, bus shelters, and other streetscape elements.**

- **Explore with adjacent property owners and public agencies the opportunity for creating a small public park or landscaped island on land “left over” from the road realignment.**

The application proposes the following:

- **Contemporary architectural styling for the proposed units that reflects the style of the adjacent office buildings. Large casement windows, light colors and strong vertical elements have been combined to create an attractive, unique residential style that is appropriate for the office park context.**

- **Central green space along with a wide pedestrian promenade as added amenities for the office park. The proposed central green, approximately ⅔ acre, will include a multi-age playground and area for open play.**

- **A pedestrian network that includes a 20-foot wide promenade that connects to existing walkways to provide connections between the residential buildings, public open space, adjacent office uses, bus shelters and the future transit facility. Lead-in pathways from Fernwood Road are proposed for the interim until the transitway is constructed.**

- **A fifty-five foot wide area along Rock Spring Drive and Fernwood Road for future dedication to accommodate the North Bethesda Transitway and station(s).**

- **An upgraded streetscape along Fernwood Road and Rock Spring Drive with a 5-foot wide lawn panel and 6-foot sidewalks along the perimeter with street trees to create a pleasant pedestrian experience.**

The Montgomery County Department of Transportation (MCDOT) and Planning Staff agree that the recommended reconfiguration of the Fernwood Road/Rock Spring Drive intersection is no longer appropriate. The recommendation draws from a 1992 North Bethesda Transitway Feasibility Study for a
monorail system between Westfield Montgomery Mall and Grosvenor Metrorail Station. The monorail system would have necessitated a wider turning radius at the Fernwood Road/Rock Spring Drive intersection than the present configuration. The recommended intersection reconfiguration was intended to follow the alignment of the monorail system. The Approved and Adopted 2013 Countywide Transit Corridors Functional Master Plan recommends implementing a 102-mile bus rapid transit network that includes the North Bethesda Transitway Corridor. Bus travel way does not require the planned, large turning radius. Therefore, Staff concludes that the reconfiguration of the Fernwood Road/Rock Spring Drive intersection is no longer appropriate.

Bikeway Network
The proposal follows the recommendations of the Countywide Bikeways Functional Master Plan (2005) as identified below:

1. Rockledge Drive: signed shared roadway SR-60;
2. Rock Spring Drive: signed shared roadway SR-59; and
3. Fernwood Road with bike lanes, BL-4.

The proposal also identifies a potential location for a bikesharing station along the pedestrian promenade fronting Fernwood Road.

Environment
The Master Plan’s main environmental objective is to “protect and enhance the environmental resources of North Bethesda-Garrett Park” (p.247). The Plan also makes specific recommendations for tree preservation, air quality, stormwater management and water and sewer including the following:

- Retain the maximum number of specimen trees on sites where they occur.
- Provide additional trees along existing streets, in median strips, and in parking lots whenever feasible.
- Require that every new road recommended by this Plan have a streetscape plan with an emphasis on tree planting.
- Require commercial and residential developers to plant more trees, particularly native shade trees, consistent with County tree legislation.
- Support retention of much of the existing open space resources of North Bethesda-Garrett Park, both public and private.
- Endorse corrective measures to reduce flooding and to improve stream quality by retrofitting developed sites. (p. 247-248)

The proposed application provides the following for the entire 44.16-acre parcel:

- Retention of existing trees including 234 canopy trees, 34 ornamental trees and 110 evergreen trees.
- Addition of 168 canopy trees, 13 ornamental trees and 15 evergreen trees along existing streets, proposed private streets, central open space and promenade.
- Retention of 42.6 of the existing 44 percent green area that serves as an open space resource for Rock Spring Park.
- Incorporation of micro-bio facilities in open spaces and along private streets and pervious pavement in the alleys for stormwater management quantity control and quality improvement.

Staff finds the proposed application substantially conforms to the Master Plan.

Public Facilities

Master-Planned Roadway

In accordance with the 1992 North Bethesda/Garrett Park Master Plan, Rock Spring Drive and Fernwood Road are designated as four-lane arterials, A-81 and A-85, respectively. Rockledge Drive, while not designated in the Master Plan, has obtained the status of a Business District Street with four-lanes. All roadways currently provide the minimum right-of-way requirement of 80 feet. No additional dedication is required for master-planned roadways.

Transportation Demand Management

A Traffic Mitigation Agreement (TMAg) for the entire 44-acre site was established in 1990. This agreement had a 20-year life and is no longer valid. However, the Site Plan Enforcement Agreement established for the entire site in 1991 to achieve the 10% trip reduction requirement of the I-3 Zone remains valid. The Applicant will be required to execute a new TMAg for the proposed residential land use. Neither the new TMAg nor this Site Plan Amendment modify the existing Site Plan Enforcement Agreement, except to the extent that there is a direct conflict in which case the new TMAg and this Site Plan Amendment supersede only the conflicting portion of the Site Plan Enforcement Agreement.

Public Transit Service

The following bus routes currently operate along the property frontage as follows:

1. Ride On routes 47 and 96 operates along Fernwood Road,
2. Ride On routes 6, 26, 47, and 96 operate along Rock Spring Drive, and
3. Ride On route 96, Metrobus routes J2 and J3, and MTA route 991 operate along Rockledge Drive.

- Ride On route 6: From Westfield Montgomery Mall Transit Center past the Grosvenor Metrorail Station to Garrett Park operating every 30 minutes during the weekday peak hours.
- Ride On route 26: From Westfield Montgomery Mall Transit Center to the Glenmont Metrorail Station operating every 30 minutes during the weekday peak hours.
- Ride On route 47: From Rockville Metrorail Station to the Bethesda Metrorail Station operating every 30 minutes during the weekday peak hours.
- Ride On route 96: From Westfield Montgomery Mall Transit Center past the Grosvenor Metrorail Station to Garrett Park operating every 10 minutes during the weekday peak hours.
- Metrobus Routes J2 & J3: From Westfield Montgomery Mall Transit Center to Silver Spring Metrorail Station operating every from 5 to 20 minutes during the weekday peak hours.
- MTA Route 991: From Hagerstown in Washington County through Frederick County along I-270 to Rock Spring Park operating every 20 minutes during the weekday peak hours.
The North Bethesda Transitway is planned between Westfield Montgomery Mall and Grosvenor Metrorail Station. The transitway will provide bus rapid transit service along Fernwood Road and Rock Spring Drive with a planned transit stop in the vicinity of the Fernwood Road/Rock Spring Drive intersection.

Local Area Transportation Review
The Site has an existing approval for office uses of which 439,063 square feet is unbuilt. On March 19, 2013, County Council approved Subdivision Regulation Amendment (SRA) 13-01 that extended the Adequate Public Facilities Ordinance (APFO) validity period for a Preliminary Plan valid on March 31, 2009, for a total of six years from its original expiration date. As a result, the APFO approval for the unbuilt 439,063 square feet of office development previously set to expire July 30, 2011 is now valid through July 30, 2017.

The proposed Preliminary Plan Amendment satisfies the LATR test with the traffic statement dated January 8, 2014, showing that traffic produced by 168 townhomes is equivalent to 80,000 square feet of office space using the appropriate trip generation rate conversion. Thus, the proposal is well within the approved traffic/transportation capacity for the entire site and the roads will continue to operate at an acceptable level.

The table below shows the number of peak-hour trips generated by the previously approved uses and by the proposed townhouse use during the weekday morning and evening peak hours (6:30 to 9:30 a.m. 4:00 to 7:00 p.m. respectively). Of the 1,634,983 total approved square footage commercial space, the Applicant is requesting to use some of the trips attributed to the unbuilt 439,063 (line 4) for the proposed townhouse development (line 5) and retain the remaining credit of 663 morning and 516 evening peak hour trips (line 6) for future use.

<table>
<thead>
<tr>
<th>Line</th>
<th>Land Use</th>
<th>Square Feet (SF) or Dwelling Units (DU)</th>
<th>Weekday Peak-Hour Morning</th>
<th>Weekday Peak-Hour Evening</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Current Approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>General Office (Built)</td>
<td>1,177,920 SF</td>
<td>1,994</td>
<td>1,716</td>
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<tr>
<td>2</td>
<td>Child Day Care Facility (Built)</td>
<td>18,000 SF</td>
<td>22*</td>
<td>21*</td>
</tr>
<tr>
<td>3=1+2</td>
<td>Total (Built)</td>
<td>1,195,920 SF</td>
<td>2,016</td>
<td>1,737</td>
</tr>
<tr>
<td>4</td>
<td>General Office (Unbuilt)</td>
<td>439,063 SF</td>
<td>747</td>
<td>632</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Townhouse Units</td>
<td>168 DU</td>
<td>84</td>
<td>116</td>
</tr>
<tr>
<td>6=4-5</td>
<td>General Office (Unbuilt-Remaining Credit)</td>
<td>344,788 SF**</td>
<td>663</td>
<td>516**</td>
</tr>
<tr>
<td></td>
<td>Total Trips Generated by the Proposed Land Uses on Entire Site</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7=6+1</td>
<td>General Office (Built and Unbuilt)</td>
<td>1,522,708 SF</td>
<td>2,596</td>
<td>2,232</td>
</tr>
<tr>
<td>8=2</td>
<td>Child Day Care Facility</td>
<td>18,000 SF</td>
<td>22*</td>
<td>21*</td>
</tr>
<tr>
<td>9=7+8</td>
<td>Total Non-Residential</td>
<td>1,540,708 SF</td>
<td>2,618</td>
<td>2,253</td>
</tr>
<tr>
<td>10=5+9</td>
<td>Total</td>
<td></td>
<td>2,702</td>
<td>2,369</td>
</tr>
</tbody>
</table>

*Includes only primary trips to/from the daycare facility (and not pass-by & diverted trips) and the number of trips calculated based on 30 employees.
**The equivalent square footage reflects the lower number of peak-hour trips in either the AM or PM peak hour. However, a total 359,063 square feet of approved, unbuilt office use will remain.
Other Public Facilities and Services
The proposed development will be served by public water and sewer systems. The Montgomery County Fire and Rescue Service has reviewed the application and determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police station, firehouse and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas, and telecommunications services will also be available and adequate. The project is located in the Walter Johnson Cluster, which requires a School Facilities Payment at the middle and high school levels. The Department of Permitting Services (DPS) will determine the amount of the payment.

Environment
Based on the analysis below and conditions in this report, Staff finds the proposed plan to be in compliance with M-NCPPC’s Environmental Guidelines and recommends that the Planning Board approve the Forest Conservation Plan (FCP) with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board’s approval of the FCP.

Forest Conservation Plan
The Site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Planning Board approved the original Forest Conservation Plan (#119980930) on April 25, 2002, with an afforestation requirement of 5.62 acres. Mitigation under the original plan was to be met largely through on-site landscaping and tree canopy coverage. The changes proposed in the current Preliminary and Site Plan Amendments do not alter the net tract area of the Site; therefore, the afforestation requirement remains unchanged at 5.62 acres. Removal of some of the on-site trees and updating of the existing landscape plants reduces the amount of existing tree cover credit that can be applied to the mitigation requirement. The amended Final Forest Conservation Plan proposes to satisfy the afforestation requirements through 4.29 acres of existing and newly planted landscaping on-site, leaving a remaining obligation of 1.33 acres of forest planting. The Applicant proposes to satisfy this remaining requirement through off-site forest banking.

Variance
Land disturbance associated with the proposed development will impact the Critical Root Zones (CRZ) of 14 trees with a diameter at breast height (dbh) of 30 inches or greater. Three of these trees were approved for removal in previous Forest Conservation Plans. The initial plan submission of this application proposed removing these three trees plus an additional eleven trees not previously approved for removal. Planning Staff has worked with the Applicant to preserve four trees designated for removal in the first iteration of the Site Plan Amendment. The variance request now seeks approval to remove ten trees and to impact the CRZ of four trees that will now be saved.
Forest Conservation Variance
Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the 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 Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, dbh; are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on May 5, 2014 to impact 14 trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Attachment B).

Unwarranted Hardship
As discussed in the previous section, the proposal is in accordance with both the intent and recommendations of the North Bethesda/Garrett Park Master Plan. Of the total 44 acres of the Site, the development area is limited to 10.62 acres on Lot 5. With the dedication of a 55-foot right-of-way for the proposed BRT alignment along Fernwood Road and Rock Spring Drive (1.45 acres), the existing Washington Suburban Sanitary Commission (WSSC) easement along Rockledge Drive (0.37 acre), and the proposed central open space (0.66 acre), the development area is further constrained. As a result, the proposal reflects a compressed development into a relatively compact footprint. Further reductions in development to save additional specimen trees would not allow the Applicant to achieve a viable proposal for the Site. For these reasons, Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed FFCP amendment based on the required findings that granting of the requested variance:

1. **Will not confer on the applicant a special privilege that would be denied to other applicants.**

   As noted above, the proposed design has attempted to balance all of the competing factors that constrain the site. The Applicant has worked with staff to reduce impacts to specimen trees, resulting in the preservation of four specimen trees that were previously shown for removal. It is Staff’s opinion that granting the variance will not confer a special privilege to the applicant.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

   Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

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

   Staff concurs that the requested variance is a result of the proposed site design and constraints on the Site and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

   MCDPS has approved a stormwater management concept, dated June 30, 2014. (Attachment A). In addition, the variance trees removed will be mitigated with the planting of new canopy trees to replace the lost water quality benefit functions of the trees being removed. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

**Mitigation for Trees Subject to the Variance Provisions**

Removal of the 10 variance trees will result in the loss of 354 caliper inches of mature trees. Planning Department policy requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. Based on this formula, the Applicant is required to plant 86.6 caliper inches of variance mitigation trees. The Applicant proposes to plant 18 5-inch caliper trees in mitigation, resulting in a total replacement of 90 caliper inches.

**County Arborist’s Recommendation on the Variance**

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on May 15, 2014. On June 5, 2014, the Arborist issued a letter recommending the variance be approved with mitigation (Attachment A).

Planning Staff recommends that the variance be granted.
Stormwater Management

DPS issued a letter accepting the Stormwater Management Concept for the Site on January 31, 2014. Subsequently, a letter was issued accepting the revised Stormwater Management Concept on June 30, 2014. The Stormwater Management Concept proposes to meet required stormwater management goals through ESD to the maximum extent practicable (MEP) with the use of porous pavement, micro-bioretenion techniques in tree panels and in open spaces along the streets.

Compliance with the Subdivision Regulations

The proposed application has been reviewed for compliance with Montgomery County Code, Chapter 50: Subdivision Regulations. The proposed size, shape, width and orientation of the lots are appropriate for the location taking into account the recommendations in the North Bethesda/Garrett Park Master Plan, and for the type of development and use contemplated. The proposed lots are designed to meet all requirements established in the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to Master Plan recommendations. This application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan (Attachment A).

Lots Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations states, “except as otherwise noted in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.” The I-3 Zone does not have minimum frontage requirements. As specifically stated above, “except as otherwise noted in the zoning ordinance”, the proposed lots are not required to have frontage in the I-3 Zone. Twenty-four (24) townhouse lots are proposed to front common greens with alleys that provide vehicular access to the rear of the lots and eighty-six (86) townhouse lots are proposed to front onto private streets.

The private roads are proposed to be constructed to the minimum public road structural standards, to have a minimum 20-foot pavement width with adequate turning radii at intersections where needed for emergency access, an appropriate paving cross-sections elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. Further, the private roads will be placed within an easement that ensures they remain fully accessible to the public.

Staff finds the proposed private roads to be fully accessible to the public; accessible to fire and rescue vehicles, as needed and designed to the minimum public road standards, except for right-of-way and pavement widths. For townhouse lots fronting common green, fire and rescue accessibility will be provided by the 20-foot promenade. Following precedent set in other similar cases approved by the Planning Board, Staff finds the application complies with Section 50-29(a)(2).
Resubdivision Criteria

Typically, in order to approve an application for resubdivision of residential lots, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

This provision of the Subdivision Regulations only applies to residentially zoned properties. While, the lots in this application are proposed for residential use, they are zoned I-3. Following precedent set in other similar cases approved by the Planning Board, Staff finds that Section 50-29(b)(2) does not apply as part of the Preliminary Plan review.

Conclusion

Staff recommends approval of the Preliminary Plan Amendment based on the conditions and analysis contained in this report.
SECTION 5: SITE PLAN REVIEW

Analysis and Findings- Section 59-D-3.4(c)

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 project is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

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

Purpose of the Zone
The project is proposed pursuant to the Optional Method of Development of the I-3 Zone. “The optional method permits a mixed-use development in the I-3 Zone at locations that have convenient access to transit and are recommended in the Master Plan. Under the optional method, commercial uses that maintain an employment emphasis must be mixed with residential uses. Development must be in accordance with this provision of this section.”

Section 59-C-5.439

It is the purpose of the I-3 Mixed-Use Option to promote mixed-use, transit and pedestrian-oriented centers, which include housing and a commercial component with an employment emphasis. It is also the purpose to promote development that follows sound environmental principles and maximizes preservation of natural features. Specifically, the optional method is designed to:

(a) Provide a compatible mix of uses including employment, housing, and retail configured to define and animate the streets and to create a strong sense of place in the manner of traditional towns and urban neighborhoods;
(b) Promote compact, environmentally sensitive development that preserves natural features;
(c) Provide high quality residential neighborhoods consisting of a mix of unit types with open spaces and community facilities that are centrally located and easily accessible;
(d) Provide an interconnected street system, which consists of short blocks and is designed to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use for daily activities such as shopping and commuting; and
(e) Encourage the efficient use of the center and its transit facilities by providing pedestrian and bicycle linkages to adjacent areas and convenient access to transit. (Section 59-C-5.4391)

The Site has convenient access to the Westfield Montgomery Mall Transit Center for Ride On, Metro and MTA bus services and is served by six bus stops around the Site. Lastly, the Site is the location of a planned transit stop for the North Bethesda Transitway.

While the North Bethesda/Garrett Park Master Plan did not specifically recommend residential uses for this specific site, one of the objectives for the Rock Spring Park district is to add residential and retail uses.

In addition, the project achieves the following:

- Introduces residential use and a fine grid of urban blocks into a traditional suburban office park providing more activity and animation after business hours;
- Preserves over forty percent of green area and adds a central open space and a multi-age playground for residents and office workers;
- Adds a 20-foot wide promenade along the three street frontages of the Site and the center of the Site. It also provides new sidewalks that allow for movement to and through the Site. The application upgrades the sidewalks along Rock Spring Drive and Fernwood Road by introducing a 5-foot wide green panel with street trees along the curb; and
- Provides a fifty-five foot wide easement for future dedication along the periphery of the site for the North Bethesda Transitway as called for in the Countywide Transit Corridors Functional Master Plan.

Staff finds the application meets the purpose of the I-3 Zone.
Development Standards
Development under the optional method must meet all the requirements of the I-3 Zone except development density, setbacks, minimum lot sizes, internal setbacks and frontage requirements specified in Section 59-C-5.4392(b).

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Permitted/Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>59-C-5.31 Building height</td>
<td>No building shall exceed (feet)</td>
<td>100</td>
</tr>
<tr>
<td>59-C-5.32 Coverage limitations</td>
<td>Minimum green area (percent of gross tract area)</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Maximum off-street parking area (percent of gross tract area)</td>
<td>45</td>
</tr>
<tr>
<td>59-C-5.4392(b)(1) Development Density</td>
<td>Maximum non-residential density (FAR)</td>
<td>0.6</td>
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<tr>
<td></td>
<td>Base Residential density (du/ac)</td>
<td>8</td>
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<tr>
<td>59-C-5.4392(b)(2) Minimum Setbacks from property line</td>
<td>From abutting non-residential development (feet)</td>
<td>25</td>
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<tr>
<td>59-C-5.4392(b)(3) Minimum Lot sizes, internal setbacks and frontage</td>
<td>Minimum Lot Size (square feet)</td>
<td>Determined at time of Site Plan</td>
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<td></td>
<td>Internal Setbacks (feet)</td>
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<tr>
<td></td>
<td></td>
<td>-side</td>
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<tr>
<td></td>
<td></td>
<td>-rear</td>
</tr>
<tr>
<td></td>
<td>Frontage (feet)</td>
<td>0</td>
</tr>
</tbody>
</table>

*See discussion of Special Provisions in Section 59-C-5.438(c) below.

**7.5 Percent for Lot 5 only (see page 10 for map).

***See discussion of building setback waiver request.
Development Density
Special Provisions in Section 59-C-5.438(c) allow a maximum 0.85 FAR as quoted below:

... a record lot, partially developed on June 26, 1989 in accordance with an approved site plan, and which abuts or confronts one or more lots occupied on June 25, 1989 by buildings with FARs greater than a 0.85 FAR, may:

1. For a period of 5 years after June 26, 1989, be permitted a development density up to FAR 0.85 based on gross tract area and the Planning Board may approve the site plan, provided the Planning Board finds that:
   i. the site plan is in compliance with all other provisions of the I-3 zone in effect at the time of site plan approval, and
   ii. affected intersections will be adequate to accommodate the density above 0.5 FAR, unless such evaluation is required at building permit.

On June 26, 1989, Parcel 1 comprising 44.16 acres was a record lot partially developed with the original IBM building (constructed in the 1960s). Pursuant to this provision, on November 16, 1989, the Planning Board approved Site Plan No. 819890490 for 1,635,100 square feet of commercial office (0.85 FAR). At the time of approval, the Site Plan was in compliance with all other provisions of the I-3 Zone. For a period of 5 years, the Site was allowed to continue to be built out greater than 0.6 FAR (the normally permitted maximum FAR). After the end of the 5-year window, the Planning Board granted amendments to the approved Site Plan as long as the APFO approval for the Site remained valid; the 0.85 FAR in the original site plan continued to be valid. Notably, Preliminary Plan Amendment No. 11998093A and Site Plan Amendment No. 81989049G, approved on July 24, 2008, allowed the conversion of 18,000 square feet of approved, unbuilt commercial footage for day care use. Similarly, the proposed Preliminary Plan and Site Plan Amendments request density conversion of approved, unbuilt general office use to a different use.

Setback Waiver
The Applicant requests a waiver from the 25’ setback from adjacent non-residential development. As proposed, townhouse units fronting Radial Driveway F are setback a minimum of 6.5 feet from the property line. Directly across from these proposed units is the existing Parking Garage No. 2. The Applicant asserts that the comparable scale of the townhouse units relative to the adjacent structures in the park is compatible without the required setback. Section 59-C-5.4392(b)(2)(F) states that the Planning Board may allow a reduction in setbacks if the reduced setback is compatible with adjacent development. As proposed, the face-to-face dimension between the townhouse units and Parking Garage No. 2 is 72 feet (see Illustration on page 34). Staff finds the distance to be appropriate for the proposed confronting uses and recommends approval of the reduced setback.
Parking Waiver

<table>
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<tr>
<th>Parking Requirement</th>
<th>Required</th>
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<tbody>
<tr>
<td>59-E-3.7</td>
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<tr>
<td>Townhouse</td>
<td>2 Spaces/Unit</td>
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</tr>
<tr>
<td>83 Market-Rate units</td>
<td>166</td>
<td>166</td>
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<tr>
<td>64 Market-Rate units</td>
<td>128</td>
<td>64*</td>
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<tr>
<td>21 MPDU</td>
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<td>On-Street Spaces</td>
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<td>subtotal</td>
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<td>304</td>
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<tr>
<td>Existing (Built) Office</td>
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<tr>
<td>4 Spaces/1000 SF</td>
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<td>1,195,920 SF</td>
<td>4,784</td>
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<tr>
<td>COMBINED TOTAL</td>
<td>5,120</td>
<td>5,689</td>
</tr>
</tbody>
</table>

*assumes that all 64 purchasers opt for 1 space

The Applicant is requesting a waiver of 32 spaces for the required on-site parking. Sixty-four (64) of the Market-Rate units will be 16 feet wide, the Applicant will offer the purchasers of these 64 units the option of a two-car garage or one-car garage with additional ground-floor living space. This results in a potential deficit of up to 32 parking spaces from the code requirement. If only 50% of those purchasing the 16-foot wide units opt for the two-car garage, the project will meet the code requirement.

The proposed parking waiver meets the goal outlined in the purpose clause of the I-3 Optional Method to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use. While the Site is not located within a central business district or transit station development area, it is served by multiple bus routes and BRT is planned for the future. Transit service in this area is expected to be enhanced.

The Applicant has agreed to reserve the 32 on-street spaces for guests only. In addition, the Applicant has arranged for the exclusive use of 72 parking spaces in the existing Parking Garage No. 2 for guest overflow parking. While the terms of this agreement may be altered or annulled anytime in the future, Parking Garage No. 2 is available to the general public for a fee and is available to accommodate guest overflow parking.

Section 59-E-4.5 states: the Planning Board “may waive any requirement in this Article [E] not necessary to accomplish the objectives in Section 59-E-4.2 and in conjunction with reductions may adopt reasonable requirements above the minimum standards”. Staff finds the reduction of parking accomplishes the following objectives of Section 59-E-4.2: protection of the health, safety and welfare of those who use any adjoining land or public road that abuts; safety of
pedestrians and motorists; optimum safe circulation of traffic and proper location of entrances and exits to public roads; and provision of appropriate lighting.

In conclusion, Staff supports the requested parking waiver for the following reasons: with the full waiver for 32 spaces, the proposed parking meets the objectives outlined in Section 59-E-4.2; and based on the Applicant’s experience in development with a garage option, it is unlikely that all 64 units will opt for the one-car garage.

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

**Location of Buildings and Structures**
The location of the buildings and structures are adequate, safe and efficient. All proposed buildings are arranged along a grid street pattern and allow for safe and efficient pedestrian circulation. The provision of rear loaded garages with an alley system minimizes vehicular intrusion into the pedestrian realm.

**Open Spaces**
The locations of proposed open spaces are adequate, safe, and efficient. In addition to the existing open spaces to remain, the proposed open space network includes small landscaped areas, a large centralized space with a multi-age playground and a twenty-foot wide promenade which encircles the townhouse units and runs through the Site. The proposed open space areas and the promenade are landscaped to provide shaded spaces while maintaining functionality for passive or active recreation.

**Landscaping and Lighting**
The proposed landscaping and lighting for the Site will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed pedestrian lighting fixtures and street lighting fixtures will limit the lighting levels to streets, sidewalks, and the promenade. A mix of shrubs, shade trees, ornamental trees and foundation plantings are proposed throughout the Site.

**Recreation Facilities**
The proposed development will provide adequate, safe, and efficient recreation facilities to help residents lead an active and healthy life. The on-site recreation amenities are dispersed throughout the Site. They include 9 bench-seating areas, multi-age play equipment, and a twenty-foot wide promenade for pedestrian and bike circulation. Off-site recreation facilities within ½ mile of the Site include Walter Johnson High School and Stratton Park. Off-site recreation facilities within 1 mile of the Site include Cabin John Regional Park, Tilden Woods Park, Timberlawn Park and Ashburton Elementary School.
The proposed development meets the required supply of recreation facilities based on the Planning Board’s Recreation Guidelines. However, there are proposed pathways between the townhomes with a sidewalk width of 4 feet. The Recreation Guidelines recommends a minimum width of 5 feet. After investigating the issue, the Applicant asserts that increasing the sidewalk width would compromise the side setbacks as requested by DPS. Therefore, the Applicant requests approval of the 4-foot width sidewalk. Staff supports this request.

**Pedestrian and Vehicular Circulation Systems**

Internal vehicular circulation will be adequate, safe and efficient. The Site will be served by three public streets, two internal private streets, and a series of private alleys. Vehicular access will be provided from Rockledge and Rock Spring Drives. The street network will include a primary loop road with specialty paving and/or pavers where it intersects with the north/south pedestrian promenade. Internal street intersections and crosswalk locations provide adequate sight distance and implement ADA compliant sidewalk ramps. The private street system provides access for emergency vehicles and other public services. Mountable curbs allow emergency vehicles access onto the pedestrian promenade.

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

No other development is proposed in the immediate vicinity at this time. The architecture of the proposed townhouse units provides varied unit widths and exterior finish materials that will reflect the contemporary style of the adjacent commercial buildings. The introduction of residential uses to this suburban park provides a compatible mix of uses to create a more active and animated office park after business hours. It will enhance the office park character, while preserving the overall emphasis on employment uses. This infill, residential project will create a strong sense of place by transforming the traditional office park into a more dynamic multi-use center.
The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protections, and any other applicable laws.

a. Under Chapter 22A of the Montgomery County Code, the NRI/FSD #4-01270 for this site was approved on August 1, 2001 and the Forest Conservation Plan was approved in April 2002 with an amendment in 2007. The Applicant has provided an amended Forest Conservation Plan that is in compliance with M-NCPPC’s Environmental Guidelines. Staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this Staff Report. Staff is requesting that the Planning Board approve the variance request.

b. The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the site on June 30, 2014.
Conclusion

Staff recommends approval of the Site Plan Amendment based on the conditions and analysis contained in this report.

ATTACHMENTS

A. Agency Letters
B. Forest Conservation Variance Request
C. Final Forest Conservation Amendment
ATTACHMENT A

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

June 6, 2014

Arthur Holmes, Jr.
Director

Mr. Michael Brown, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11998093B
Rock Spring Park

Dear Mr. Brown:

We have completed our review of the amended preliminary plan as well as additional information provided by the applicant. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on January 21, 2014.

We appreciate all parties’ efforts to achieve a plan which allows the contemplated development to proceed while protecting the future implementation of the North Bethesda Transitway. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County Department of Permitting Services 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. Show necessary dedication from centerline along the site frontages of Fernwood Road, Rock Spring Drive, and Rockledge Drive in accordance with the master plan.

2. The applicant has proposed a forty (40) foot wide future transitway dedication plus an additional fifteen (15) foot wide right-of-way dedication along the Fernwood Road and Rock Spring Drive site frontage. We concur with the dedication of right-of-way, within thirty (30) calendar days of recordation of the initial record plat, subject to the following conditions:

   a. An agreement must be executed that details the terms, timing, and limits for the dedication of the additional fifteen (15) feet of right-of-way must be executed and recorded within thirty (30) days of recordation of the initial record plat for this subdivision. A DRAFT version of this must be submitted to Planning Board and Executive Branch staff with the first submission of the initial record plat for this subdivision.

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

montgomerycountymd.gov/311 240-773-3556 TTY
b. This agreement must be approved by the County Attorney prior to execution.

c. If a signed agreement is not executed and recorded within thirty (30) calendar days of recordation of the initial record plat for this subdivision, no additional building permits for the subdivision will be granted until a signed agreement has been executed and recorded.

d. As part of their settlement documents, the applicant must notify all homeowners of the future transitway as part of assuming of ownership/executorship of a property, parcel, and/or dwelling.

e. A Maintenance & Liability (M&L) agreement must also be part of this agreement, which includes the entire fifty five (55) foot dedication until the transitway is constructed; and thereafter only the northern/outer fifteen (15) feet, which consists primarily of the promenade. This fifteen (15) foot area will be maintained by the applicant, their successors or assigns, in perpetuity.

f. Regardless of the paving material (i.e., brick pavers), the promenade must be built to meet County standards for Americans with Disabilities accessibility throughout.

g. All fifty five (55) feet of dedication will remain as County right-of-way.

h. Dedication will be made from the right-of-way line, which is five (5) feet off the edge of curb.

i. No record plat(s) will be approved nor building permits issued adjacent to the transitway until this dedication occurred.

3. The width for lead-in pathways to “Bike System/Pedestrian Promenade” from public right of way should be increased. The applicant should also provide trailblazing guide signage to the promenade. Provide lead-in pathway from the northwest corner of the intersection of Fernwood Road & Rock Spring Drive, potentially in conjunction with the proposed recreational space.

4. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

5. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.

6. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

7. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
8. 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, maintenance, 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. We defer to the Montgomery County Planning Department and the Montgomery County Department of Permitting Services for approval of storm water management in right-of-ways for the proposed internal private streets. Montgomery County will not participate in traffic control or parking enforcement on the private streets of this site.

9. The storm drain capacity and impact study has been approved as the proposed development does not cause a negative impact on the existing public storm drain system.

10. Close the existing mid-block median break and driveway apron on Fernwood Road in front of this site.

11. To reduce the potential for uncontrolled mid-block pedestrian crossing to access the bus stop on the south side of Fernwood Road, eliminate the lead-in sidewalk to/from Buildings 8 & 9.

12. Coordinate with Messrs. Larry Cole (301-495-4528) and/or David Ansphacker (301-495-2191) of the M-NCPPC Functional Planning & Policy Division regarding impacts related to the Countywide Transit Corridors Functional Master Plan (i.e., North Bethesda, Route 21).

13. Clearly delineate and denote existing and proposed sidewalks and their widths along Rockledge Drive, Fernwood Road, and Rock Spring Drive site frontages.

14. All bus stops and shelters must be maintained at their current location per County standards for design & orientation (i.e., comply with Americans with Disabilities Act guidelines). At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240-777-5800.

15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

16. 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.

17. 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.
18. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.

19. 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. Provide a four (4) foot wide lawn panel and construct six (6) foot wide concrete sidewalks, with handicap ramps, along the Fernwood Road and Rock Spring Drive site frontages. If the existing sidewalk along the Rockledge Drive site frontage is not already at least five (5) feet wide, it will also need to be widened.

   b. Plant minor species street trees along the Fernwood Road, Rock Spring Drive, and Rockledge Drive site frontages in accordance with MCDOT standards and policies.

   c. Physically close the existing the median break and driveway apron on Fernwood Road in front of the site.

   d. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.

   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.

   g. 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.

   h. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this report. Please note that our Development Review Engineer for this project, Mr. William Haynes, resigned from his position with the County. Should you have any questions regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at 240-777-2197.

Sincerely,

[Signature]

Gregory M. Leck, Manager
Development Review Team
Mr. Michael Brown  
Preliminary Plan No. 11998093B  
June 6, 2014  
Page 5

Attachments (2)

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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Rock Spring EYA (VM1817B)  Preliminary Plan Number: 1-1998093B

Street Name: Rockspring Drive  Master Plan Road Classification: Arterial

Posted Speed Limit: 25 mph

Street/Driveway #1 (Entrance 2)

Sight Distance (feet)  OK?  Right 625'  N/A  ✓
Left 600'  ✓ ✓

Comments: The proposed entrance is a right turn in and right turn out.

Street/Driveway #2

Sight Distance (feet)  OK?
Right
Left

Comments:

GUIDELINES

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*Source: AASHTO

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)

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

Montgomery County Review:

Approved
Disapproved:

By: [signature]
Date: 4/4/14

Form Reformatted: March, 2000
SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Rock Spring EYA (VM1817B)  
Preliminary Plan Number: 1-1998093B

Street Name: Rockledge Drive  
Master Plan Road Classification: Access

Posted Speed Limit: 30 mph

Street/Dwiveway #1 (Entrance 1)
Sight Distance (feet)  OK?  
Right 410'  N/A  ✔  
Left 413'  ✔

Comments: The proposed entrance is a right turn in and right turn out.

Street/Dwiveway #2
Sight Distance (feet)  OK?  
Right  
Left  

Comments:

GUIDELINES

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*Source: AASHTO

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)

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature: [Signature]  
PLS/P.E. MD Reg. No. [Reg. No.]

Montgomery County Review:

☐ Approved  
☐ Disapproved:

By: [Signature]  
Date: [Date]

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March, 2000
Mr. Michael Brown, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11998093B
Rock Spring Park

AMENDMENT LETTER

Dear Mr. Brown:

This is an amendment letter to amend our previous preliminary plan letter dated June 6, 2014 to include unfortunately omitted comments regarding the need for an updated Traffic Mitigation Agreement and provision for a bikesharing facility. Please accept our apology for this oversight.

The applicant is still subject to all the comments reflected in the previous letter in addition to the following:

1. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with Montgomery County and the Planning Board to participate in the North Bethesda Transportation Management District (TMD). The Applicant will assist in achieving and maintaining a non-auto driver mode share goal of at least 30% for residents per the North Bethesda/Garrett Park Master Plan. The TMAg executed in 1990 was for office use. This redevelopment's land use is a fee simple townhome community therefore the provisions for the previous TMAg are not applicable and a new TMAg is in order. The agreement must be executed prior to the issuance of any building permits.

2. The traffic mitigation agreement may include but not be limited to the following TDM measures:
   a. Surveys
   b. Displays
   c. Telework
   d. Emergency Transportation
   e. Car Sharing – provide at least 2
   f. Live Near Your Work
   g. Bicycle Facilities - provide a secure weatherproof area in a conveniently-located, well-lit, high-traffic part of the parking facility to house bicycles for residents and on-site employees of the Project. Applicant shall take actions to promote visitor use of public bicycle facilities located in adjacent areas
h. Bikesharing – see comment #3 below.
i. Electric Vehicle - Electric vehicle charging stations(s) – provide at least two (2) EV Charging stations in the Project’s parking facilities for visitors, in preferential, highly visible locations in the visitor parking spaces.

3. Applicant should amend the preliminary and site plan to show the proposed location of a bikesharing station. The location of the station will be selected in coordination with MCDOT, based on the requirements of the bikesharing system. The location must be a highly-visible, convenient and well-lit portion of the Project. This location should take into account plans for the future bus transitway and allow space for a 19-dock bikeshare station that will require a space that is a maximum of 55 feet by 12 feet in dimension. Additionally, the space must receive at least 4 hours of sunlight per day. If zoning regulations or other provisions adopted prior to building permit so provide, the Applicant will be required to pay the capital cost of such station and twelve (12) years of operating expenses in return for other benefits. Applicant will take other actions in concert with MCDOT to promote the use of bikesharing among residents and visitors to the Project in order to accomplish the objectives of the Agreement. Selection of the location for this bikeshare facility can be deferred to time of Certified Preliminary and Site Plan.

Thank you for the opportunity to review this report. Please note that our Development Review Engineer for this project, Mr. William Haynes, resigned from his position with the County. Should you have any questions regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at 240-777-2197.

Sincerely,

Gregory M. Leck, Manager
Development Review Team

cc: McLean Quinn, EYA/CSP Associates
William Landfair, VIKA Maryland, LLC
Michael Goodman, VIKA Maryland, LLC
Steven Robins, Lerch, Early, & Brewer
Cynthia Bar, Lerch, Early & Brewer
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cc-e: Gwen Wright, M-NCPPC DO
Glenn Kreger, M-NCPPC Area 2
Khalid Afzal, M-NCPPC Area 2
Edward Axler, M-NCPPC Area 2
Catherine Conlon, M-NCPPC DARC
Ramona Bell-Pearson, MCCAO
Clifford Royalty, MCOCA
Charles Frederick, MCOCA
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DATE:  02-Jun-14
TO:    Michael Goodman
       Vika, Inc
FROM:  Marie LaRue
RE:    Rock Spring Residential
       11998093B 819890491

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 02-Jun-14. 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.

*** Performance based design of FD access via modified pedestrian promenade ***
*** Addressing scheme to be verified by MC-MNCPPC ***
*** 13.5 ft vertical clearance shall be maintained over all fire department access routes for 20 ft minimum clear width ***
Françoise Carrier, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland  20910

RE: Rock Spring Park, ePlan 8198904911, application for amendment accepted on 10/7/2013

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department (“Planning Department”) has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;  
2. Is based on conditions or circumstances which are the result of the actions by the applicant;  
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or  
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.

2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the
variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.

4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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

Sincerely,

Laura Miller
County Arborist

cc: Steve Findley, Senior Planner
June 19, 2014

Mr. Michael Brown
Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Rock Spring Park
  Preliminary Plan No. 11998093B
  Site Plan No. 819890491

Dear Mr. Brown:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed
the above referenced Preliminary Plan and Site Plan Amendments. Parking is not an issue that is within
DHCA’s area of expertise, and therefore DHCA is declining to comment on the parking proposal in the
plans. However, DHCA is interested in having an overall policy discussion about parking with M-NCPPC
staff.

DHCA recommends Approval of the Preliminary and Site Plan Amendments with the following
conditions:

1. DHCA will require a full bath on each bedroom level and a half bath on either the ground
   floor or living level as standard features. Additional pricing credit will be allowed for
   bathrooms in excess of one and one-half.
2. Please provide a site plan sheet with the MPDUs shaded so that they can be more easily
   identified.
3. An MPDU Agreement that is in compliance with Chapter 25A must be executed between the
   Applicant and DHCA prior to the release of any residential building permits.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: William Landfair, VIKA Maryland, LLC
    Stephanie Killian, DHCA
    S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Rock Spring Park DHCA Letter 6-19-2014.doc

Division of Housing

<table>
<thead>
<tr>
<th>Moderately Priced Dwelling Unit</th>
<th>Housing Development &amp; Loan Programs</th>
<th>Landlord-Tenant Affairs</th>
<th>Licensing &amp; Registration Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAX 240-777-3709</td>
<td>FAX 240-777-3691</td>
<td>FAX 240-777-3691</td>
<td>240-777-3666</td>
</tr>
</tbody>
</table>

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca
June 30, 2014

Mr. Jason Evans, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: Stormwater Management CONCEPT REVISION
Request for Rock Spring Residential Revision
Preliminary Plan #:
SM File #: 256093
Tract Size/Zone: 9.07 Acres / I-3
Total Concept Area: 9.07 Acres
Lots/Block: Existing Lot 5
Parcel(s):
Watershed: Cabin John Creek

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the revised stormwater management concept revision for the above mentioned site is acceptable. The stormwater management concept for this redevelopment project proposes to meet required stormwater management goals via Environmental Site Design (ESD) and structural control. The site is divided into two distinct drainage areas that were analyzed separately for stormwater management. Drainage Area 1 (DA 1) and Drainage Area 2 (DA 2) both utilize roadside planter box micro-biofilters and open space micro-biofilters. In DA 2 planter box micro-biofilters will be located on some of the individual lots and will treat drainage only from the lot where the facility is located. The micro-biofilters are sized to over-compensate for areas within each drainage area that are not being treated. Permeable pavement will be used in one of the alleys located within each DA. Drainage Area 1 meets all requirements for stormwater management. Drainage Area 2 drains to the Thomas Branch Regional Pond. Additional CPv requirements for DA 2 will be met in the existing regional stormwater management pond.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. An engineered sediment control plan must be submitted for this development.

3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Drainage Area 1 storm drains tie into the private storm drain system that drains to an on-site pond. Permission form the owner to tie into their system as well as a pond maintenance agreement with the on-site pond owner and the proposed townhouse development needs to be in place prior to sediment control permit issuance.

6. Based upon Section 2.A.2.b of Executive Regulation 5-90, a waiver of on-site water quantity control is hereby granted for Drainage Area 2 which flows to a regional stormwater management pond (Thomas Branch). Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.

7. WSSC must approve the final water, sewer and stormwater facility layout prior to approval of the sediment control / stormwater management plans.

8. This stormwater concept approval letter supersedes the stormwater concept approval letter dated January 31, 2014.

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

Payment of a stormwater management contribution for quantity control in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required for Drainage Area 2 which drains to the Thomas Branch Regional Pond.

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,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: jb CN256093.RockSprRes4Rev.EBR
cc: C. Conlon
SM File # 256093

ESD Acres: 9.07  STRUCRURAL Acres: 5.57  WAIVED Acres: 5.57
May 5, 2014

Ms. Lynn S. Knaggs &
Mr. Steve Findley
Senior Planner
M-NCPPC - Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue
2nd Floor
Silver Spring, Maryland 20910

Re: Forest Conservation Variance Request
Rock Spring Park, Bethesda, MD
FCP #198093, Site Plan #819890490 and 81989049F
VIKA # VM1817B

Dear Ms. Knaggs:

On behalf of our client, RS Associates, LLC, C/O EYA, LLC (the “Applicant”), the contract purchaser of approximately 9.07 acres of land located within the boundary of Rockledge Drive, Fernwood Road and Rock Spring Drive in Bethesda (the “Property”), we request approval of a variance pursuant to Section 22A-21(b) of the Montgomery County Forest Conservation Law. The variance is necessary to allow removal of trees on the Property that are 30” DBH or greater, and trees that are 75% the diameter of the county champion for that species. The Property is the remaining undeveloped portion of Rock Spring Park.

As you may know, the Applicant has been working closely with planning staff at MNCPPC and with MCDOT since DRC in January to redesign the site plan to accommodate the County’s plans for a bus rapid transit system (transitway) along the Rock Spring and Fernwood Property frontages and to provide for a larger, central park space internal to the site. Combined with existing site constraints and easements, the collaborative redesign effort led to this revised plan and necessitated the concentration of the townhomes into their current configuration. As the Applicant worked to redesign the plan to accommodate the competing interests, the Applicant also incorporated feedback received from environmental staff during the plan review process regarding opportunities to save existing trees on the Property where possible. While this variance request seeks variances to remove the same 10 trees as the October submission, the new plan has been designed to save four trees previously approved for removal (#16, #17, #14, #61). Two of these trees are incorporated into the new central park and two are located on the perimeter of the property. The Applicant plans to work closely with an arborist to minimize disruption to these four trees during the construction process and has made these four trees prominent features of the revised plan.

This variance request is prepared by VIKA Maryland and is submitted as an amendment to the approved Forest Conservation Plan (FCP) dated April 25, 2002. A Natural Resources Inventory Report and Plan (NRI) for Rock Spring Park was submitted and subsequently approved by The Maryland-National Capital Park and Planning Commission (MNCPPC) on August 2, 2001 (NRI# 4-01270). In 2008, the Planning board approved a site plan amendment and revised landscape plan which modified the FCP. The approved 2008 site plan amendment included the removal of tree numbers 1, 2, 5, & 6 (noted on the proposed FCP amendment). Approval of this variance would further amend the FCP to allow the removal of ten (10) trees as noted on the FCP (trees #3, 4, 7, 8, 9, 10, 11, 12, 13 & 14), seven (7) of which are located within existing easements and would be subject to removal by WSSC or DOT without a variance.
The Variance Request

As detailed below, existing conditions, site constraints and the nature of the proposed project justify the granting of the variance pursuant to Section 22A-21(b) of the Code. Additionally, the variance is in conformance with Section 22A-21(d) of the Code because the granting of the variance (i) will not confer a special privilege on the Applicants that would be denied to others; (ii) is not based on conditions or circumstances which result from the action of the Applicants; (iii) is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property; and (iv) will not violate State water quality standards or cause measurable degradation in water quality.

Pursuant to Section 22A-21(b) of the Forest Conservation Law, the Variance request must provide the following:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provide any other information appropriate to support the request

The Applicant provides the following to address the above criteria:

1. Justification Narrative for Tree Disturbance

The subject property is located within Rock Spring Park, which is part of a corporate office park located between I-270 and the I-270 spur, near their junction with I-495. The office park covers approximately 247 acres and exemplifies a typical campus-style with individualized, medium-scale office buildings (ranging from 2 to 15 stories). Rock Spring Park comprises 44 acres and is zoned I-3. The net area to be redeveloped with townhouses is part of Lot 5, Rock Spring Park, comprised of approximately 9.07 acres of land. This lot has frontage along Fernwood Road on its south side, Rockledge Drive at its west side, and Rock Spring Drive on its east Road sides.

Fernwood Road and Rock Spring Drive are classified as arterial roadways (A-85 and A-81) with a minimum master plan right-of-way of 80 feet. Adjacent uses to in Rock Spring Park include seven office buildings, two parking garages, and a storm water management facility. The North Bethesda-Garrett Park Master Plan generally recommends residential development for Rock Spring Park. This is allowed under the Optional Method of Development in the I-3 Zone. The staff at M-NCPPC has expressed support for locating residential development on the Property to help transform the office park into a more vibrant mixed-use area.

The proposed, compact townhome project will comprise 168 units, less than the maximum allowed units of 179 based on eight (8) dwelling units per acre without utilizing the MPDU bonus. Due to its location in an office park, the project has been designed to have an urban feel appropriate in scale to the surrounding buildings. An existing variable width WSSC easement and a proposed 55-foot Transitway and Pedestrian Easement per County master plan and transportation requirements are located along the perimeter of the site on all three sides with street frontage, dramatically shrinking the developable envelope of the Property. Because of these constraints, the townhomes cannot be located out on the existing street frontage. Instead, the homes, the streets, and other elements required to serve the units are set back from Rock Spring Drive, Fernwood Road and Rockledge Drive.

The set back off of the perimeter roads led to an important site element, a multi-use path which encircles the development. Located partially in the area of the transit easement, it will serve as a pedestrian way, bike path, and also as emergency vehicle access. Because the transitway and WSSC easement force the units facing Rock Spring Drive, Fernwood Road and Rockledge Drive more than 50' from the road, the 20’ pedestrian promenade is
needing to provide fire service to the units, further constraining the development envelop. Utilities will be placed around the site perimeter in the WSSC right-of-way. These site elements result in an impact to more than 30% of the CRZ of ten (10) trees on the Property, necessitating the approval of this variance. Seven of the ten are located within an existing WSSC easement, Transit Easement or both and hence are subject to removal without a variance. The maximum recommended allowed disturbance into the CRZ is 30%, assuming the tree is healthy and has no additional root defects or other conditions that would predispose the tree to fail. Principally due to use of existing easements for utilities and the proposed shared use path, saving the trees identified in the variance is not practical for this project.

The applicant has revised the project layout in response to comments from the Development Review Committee, and has made provision to save four trees that were previously designated for removal. These trees were evaluated on April 28, 2014 to determine their health, vigor within the context of site conditions and the proposed plan. The location and condition of these four trees are noted on the FCP. Three of the trees (#16, #17, and #41) were designated for removal in the approved 2008 amendment, and one (#61) was not indicated on the existing conditions. These trees will add character and quality to the development and provide environmental benefits for water and air quality, and stormwater management.

The proposed disturbances to trees greater than 30” dbh is needed to allow the proposed residential development for Rock Spring Park. The project is not seeking any special privilege – only the minimal amount of relief necessary to allow the project to be built through the established variance process under the Forest Conservation Law.

Development of the proposed 168 townhomes as permitted under the I-3 optional method would result in impacts the subject trees. The townhouse design is largely governed by site constraints due to the existing and future easements provided to accommodate the County’s North Bethesda Transitway, and the location of site elements within these easements. Environmental elements such as micro bio-retention are not only designed to improve rainwater management, but to provide a visual, educational and placemaking amenity. Additionally, open space, playgrounds and gathering areas provide opportunities for physical activity and social interaction. Furthermore, the proposed addition of 168 canopy trees, 13 ornamental trees and 15 evergreen trees will serve to provide environmental benefits such as shade to reduce heat island effect, the sequestering of carbon, runoff absorption and canopy. The variance request is not the result of conditions or circumstances from action taken by the Applicants.

2. **Impact of Enforcement of Rules**

The inability to remove/impact the subject trees would prevent this Applicant from developing this site as allowed in the I-3 Zone under the optional method. The proposed density is a reduction in the allowed density on the site (168 versus 179 allowed) and the proposal is similar in scale and design to other I-3 optional method projects. Tree removal for similar projects is common and a denial of the variance would deprive this owner of a right enjoyed by others.

3. **Water Resource Protection**

The Project will meet all applicable water quality resource protection requirements. The Applicant has submitted a Stormwater Management Concept Plan for the Project to the Montgomery County Department of Permitting Services (DPS), Water Resources Section, which is currently under review. As shown in the Concept, the Project will provide for storm water to be stored and treated on site using an existing pond that we are draining a portion of the site to for water quantity control and quality improvement. The Project will meet the required water quality treatment and water quantity control needs through use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) and the existing pond. Proposed stormwater management quantity control and quality improvement techniques include micro-biofilter facilities in open spaces and along private streets, and parks as
well as pervious pavement in the alleys. Therefore, the removal of ten (10) specimen trees will not adversely affect water quality in any measurable way.

4. **Grant of Request**

The granting of this request would not confer on the Applicants a special privilege that would be denied to other applicants. This request is typical for an application of this type. The request is not based on a condition related to land or building use on a neighboring property, and, as stated previously, the granting of this request will not violate State water quality standards or cause measureable degradation in water quality.

Thank you for your consideration of this variance request. We believe that the supporting information provided with this letter justifies approval of the variance to remove ten (10) trees. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,

*VIKA Maryland, LLC*

[Signature]

Stephen K. Cook, RLA, LEED AP+
Senior Landscape Architect

SKC/kc
## Attachment A

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Scientific Name / Common Name</th>
<th>D.B.H. (Inches)</th>
<th>Field Cond.</th>
<th>Disposition</th>
<th>CRZ Area (sf)</th>
<th>CRZ Impact (sf)</th>
<th>CRZ Impact (%)</th>
<th>Located in Easement</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-3</td>
<td>Quercus phellos/ Willow Oak</td>
<td>38</td>
<td>Good</td>
<td>Remove</td>
<td>1,134</td>
<td>1,134</td>
<td>100%</td>
<td>No</td>
<td>This tree rests within an existing planting island surrounded by sidewalk or pavement. The proposed activity will occur on the existing island and will include the construction of a townhome building within the road and curb reconfiguration.</td>
</tr>
<tr>
<td>T-4</td>
<td>Quercus phellos/ Willow Oak</td>
<td>40</td>
<td>Good</td>
<td>Remove</td>
<td>1,256</td>
<td>1,256</td>
<td>100%</td>
<td>No</td>
<td>This tree rests within an existing planting island surrounded by sidewalk or pavement. The proposed activity will occur on the existing island and will include the construction of new utilities, road, curb and gutter and sidewalks.</td>
</tr>
<tr>
<td>T-7</td>
<td>Quercus palustris/ Pin Oak</td>
<td>36</td>
<td>Good</td>
<td>Remove</td>
<td>1,017</td>
<td>1,017</td>
<td>100%</td>
<td>Yes</td>
<td>This tree rests at an existing site entrance that will remain as an access point. The Tree is also located in a WSSC easement. The proposed activity will involve the encroachment of a townhome building, 20’ emergency access road and utilities.</td>
</tr>
<tr>
<td>T-8</td>
<td>Quercus palustris/ Pin Oak</td>
<td>30</td>
<td>Good</td>
<td>Remove</td>
<td>707</td>
<td>707</td>
<td>100%</td>
<td>Yes</td>
<td>This tree rests along Rockledge Drive, and about 50’ off the edge of pavement The Tree is also located in a WSSC easement. The proposed activity will involve the encroachment of a townhome building, 20’ emergency access road and utilities.</td>
</tr>
<tr>
<td>T-9</td>
<td>Quercus palustris/ Pin Oak</td>
<td>33</td>
<td>Good</td>
<td>Remove</td>
<td>855</td>
<td>855</td>
<td>100%</td>
<td>Yes</td>
<td>This tree rests along Rockledge Drive, and about 36’ off the edge of pavement The Tree is also located in a WSSC easement. The proposed activity will involve the encroachment of a townhome building, 20’ emergency access road and utilities.</td>
</tr>
<tr>
<td>T-10</td>
<td>Quercus palustris/ Pin Oak</td>
<td>36</td>
<td>Good</td>
<td>Remove</td>
<td>1,017</td>
<td>1,017</td>
<td>100%</td>
<td>Yes</td>
<td>This tree rests along Rockledge Drive, and about 60’ off the edge of pavement The Tree is also located in a WSSC easement. The proposed activity will involve the encroachment of a townhome building, 20’ emergency access road and utilities.</td>
</tr>
<tr>
<td>T-11</td>
<td>Quercus palustris/ Pin Oak</td>
<td>36</td>
<td>Good</td>
<td>Remove</td>
<td>1,017</td>
<td>1,017</td>
<td>100%</td>
<td>Yes</td>
<td>The location of this tree rests within WSSC and BRT easement 40 feet north of Fernwood Road. It will also be impacted by fill for the townhome building, fire access road and utilities.</td>
</tr>
<tr>
<td>T-12</td>
<td>Quercus palustris/ Pin Oak</td>
<td>36</td>
<td>Good</td>
<td>Remove</td>
<td>1,017</td>
<td>1,017</td>
<td>100%</td>
<td>Yes</td>
<td>The location of this tree is 73 feet north of Fernwood Road and rest within WSSC and BRT easement and will also be impacted by fill for the townhome building, fire access road and utilities.</td>
</tr>
<tr>
<td>T-13</td>
<td>Quercus palustris/ Pin Oak</td>
<td>36</td>
<td>Good</td>
<td>Remove</td>
<td>1,017</td>
<td>1,017</td>
<td>100%</td>
<td>No</td>
<td>The location of this tree is 120 feet north of Fernwood Road and partially rests within the BRT easement and will also be impacted by the townhome building, fire access road and utilities.</td>
</tr>
<tr>
<td>T-14</td>
<td>Pinus strobus/ White Pine</td>
<td>33</td>
<td>Good</td>
<td>Remove</td>
<td>855</td>
<td>855</td>
<td>100%</td>
<td>Yes</td>
<td>This tree, 80 feet west of rock spring drive is within the BRT easement and will be directly impacted by the 20’ fire access lane and townhome building to its west.</td>
</tr>
<tr>
<td></td>
<td>Tree Species</td>
<td>Size</td>
<td>Condition</td>
<td>Action</td>
<td>EAB</td>
<td>Cicada</td>
<td>Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td></td>
<td></td>
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<tr>
<td>T-16</td>
<td><em>Quercus phellos</em> Willow Oak</td>
<td>35</td>
<td>Good</td>
<td>Save</td>
<td>962</td>
<td>76</td>
<td>8</td>
<td>No</td>
<td>GOOD VIGOR, VITALITY AND COLOR. THERE IS ROOT GIRDLING AT GRADE. WILL REQUIRE DETAILED MEASURES FOR PRESERVATION</td>
</tr>
<tr>
<td>T-17</td>
<td><em>Quercus phellos</em> Willow Oak</td>
<td>37</td>
<td>Fair</td>
<td>Save</td>
<td>1075</td>
<td>86</td>
<td>8</td>
<td>No</td>
<td>MODERATE TO SIGNIFICANT UPPER BRANCH STEM DECLINE. SOME UPPER STEMS SHOW BORE HOLES FROM INSECTS AND/OR BIRD FEEDING. TREE SHOWS EVIDENCE OF DECLINE.</td>
</tr>
<tr>
<td>T-41</td>
<td><em>Quercus palustris</em> Pin Oak</td>
<td>29</td>
<td>Good</td>
<td>Save</td>
<td>660</td>
<td>79</td>
<td>12</td>
<td>Yes</td>
<td>GOOD VIGOR, VITALITY AND COLOR. CANOPY SHOWS MINOR ASYMMETRY. NO OBSERVABLE BIOTIC OR STRUCTURAL ISSUES.</td>
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<tr>
<td>T-61</td>
<td><em>Quercus rubra</em> Red Oak</td>
<td>32</td>
<td>Good</td>
<td>Save</td>
<td>804</td>
<td>88</td>
<td>11</td>
<td>Yes</td>
<td>GOOD VIGOR, VITALITY AND COLOR. NO OBSERVABLE BIOTIC OR STRUCTURAL ISSUES.</td>
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## Existing Plant List (Per 2008 Certified Site Plan 2-1393430)

<table>
<thead>
<tr>
<th>AR</th>
<th>Acer</th>
<th>rubrum/Red Maple</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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</thead>
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<tr>
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<td>rubrum/Red Maple</td>
<td>25&quot;</td>
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<td>rubrum/Red Maple</td>
<td>3&quot;</td>
<td>cal.</td>
<td>48 32555.52</td>
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<tr>
<td>AR 3</td>
<td>Acer</td>
<td>rubrum/Red Maple</td>
<td>4&quot;</td>
<td>cal.</td>
<td>48 5425.92</td>
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</table>

<table>
<thead>
<tr>
<th>BN</th>
<th>Betula</th>
<th>nigra/Riverbirch</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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</thead>
<tbody>
<tr>
<td>BN 2</td>
<td>Betula</td>
<td>nigra/Riverbirch</td>
<td>9&quot;</td>
<td>cal.</td>
<td>48 401.92</td>
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<tr>
<td>BN 5</td>
<td>Betula</td>
<td>nigra/Riverbirch</td>
<td>12&quot;</td>
<td>cal.</td>
<td>48 1004.8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FG</th>
<th>Fagus</th>
<th>sylvatica/Copper Beach</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<tbody>
<tr>
<td>FG</td>
<td>Fagus</td>
<td>sylvatica/Copper Beach</td>
<td>–</td>
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<tr>
<th>LT</th>
<th>Liriodendron</th>
<th>tulipifera/Tulip Poplar</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>Liriodendron</td>
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<th>PA</th>
<th>Plantanus</th>
<th>acerfolia</th>
<th>'Bloodgood'/Bloodgood</th>
<th>London Plane</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>acerfolia</td>
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<td>cal.</td>
<td>26 5837.26</td>
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<td>PA 122</td>
<td>Plantanus</td>
<td>acerfolia</td>
<td>'Bloodgood'/Bloodgood</td>
<td>London Plane</td>
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<td>cal.</td>
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<th>coccinea/Scarlet Oak</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>QA</td>
<td>Quercus</td>
<td>coccinea/Scarlet Oak</td>
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<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<th>QP</th>
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<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<th>AC</th>
<th>Amelanchier</th>
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<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>Amelanchier</td>
<td>canadensis/Shadblow Serviceberry</td>
<td>6'</td>
<td>8&quot;</td>
<td>20 628</td>
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<tr>
<th>CC</th>
<th>Cercis</th>
<th>canadensis/Eastern Redbud</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<th>Dia.</th>
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<th>Area (Sq. Ft.)</th>
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<th>LI</th>
<th>Lagerstroemia</th>
<th>indica/Crape Myrtle</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>indica/Crape Myrtle</td>
<td>6'</td>
<td>8&quot;</td>
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<th>MS</th>
<th>Magnolias</th>
<th>x soulagiana/Saucer Magnolia</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<td>Magnolias</td>
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<th>PSP</th>
<th>Prunus</th>
<th>subhirtella pendula/Weeping Higan Cherry</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<th>PY</th>
<th>Prunus</th>
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<th>Dia.</th>
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<th>Area (Sq. Ft.)</th>
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<td>PY 6</td>
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<th>CL</th>
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<th>x leylandii/Leyland Cypress</th>
<th>Dia.</th>
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<tr>
<td>CL 16</td>
<td>Cupressocyparis</td>
<td>x leylandii/Leyland Cypress</td>
<td>6'</td>
<td>8'</td>
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<table>
<thead>
<tr>
<th>IN</th>
<th>Ilex</th>
<th>'Nellie Stevens'/Nellie Stevens Holly</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<tbody>
<tr>
<td>IN 63</td>
<td>Ilex</td>
<td>'Nellie Stevens'/Nellie Stevens Holly</td>
<td>6'</td>
<td>8&quot;</td>
<td>6 12 7121.52</td>
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<table>
<thead>
<tr>
<th>IO</th>
<th>Ilex</th>
<th>opaca/American Holly</th>
<th>Dia.</th>
<th>cal.</th>
<th>Area (Sq. Ft.)</th>
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<tbody>
<tr>
<td>IO 6</td>
<td>Ilex</td>
<td>opaca/American Holly</td>
<td>6'</td>
<td>8&quot;</td>
<td>8' 11 569.91</td>
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</tbody>
</table>

| Pseudotsuga | Douglas Fir | 6' | – | 8' | 12 1491.5 |

| Juniperus | virginiana/Eastern Red Cedar | 6' | – | 8' | 7' 10 471 |

### Shade Trees, Flowering Trees, Evergreen Trees

- Shade Trees
- Flowering Trees
- Evergreen Trees
PLANTING NARRATIVE

- A purposeful attempt to plant new trees and shrubs under the guidance of a forester and a certified arborist, considering the existing conditions and the future needs of the site.

- A list of trees and shrubs to be planted, including their species, size, and location, to improve the ecological value of the site.

- A description of the landscape design, considering the surrounding environment and the intended use of the site.

- A plan for maintaining the plantings, including regular care and monitoring to ensure their health and vitality.

- A schedule for the planting, including a timeline for each stage of the project.

LANDSCAPE CREDIT

- A detailed breakdown of the landscape credits earned through the planting project, including the number of trees and shrubs planted, and the acres of forest cleared.

- A calculation of the total landscape credit earned, based on the number and type of trees planted.

- A comparison of the landscape credit earned to the requirements set forth in the landscape credit table.

- A discussion of the implications of the landscape credit earned on the future use and management of the site.

MIGRATION TREE REPLACEMENT TABLE

- A list of trees that have been removed, including their species, size, and number.

- A description of the migration credit earned through the removal of these trees, including the number of trees removed and the acres of forest cleared.

- A calculation of the total migration credit earned, based on the number and type of trees removed.

- A comparison of the migration credit earned to the requirements set forth in the migration credit table.

- A discussion of the implications of the migration credit earned on the future use and management of the site.

PROPOSED PLANT LIST

- A list of trees and shrubs proposed for planting, including their species, size, and location.

- A description of the proposed landscape design, considering the surrounding environment and the intended use of the site.

- A plan for maintaining the proposed plantings, including regular care and monitoring to ensure their health and vitality.

- A schedule for the proposed planting, including a timeline for each stage of the project.

SIGNIFICANT & SPECIATIS TREE LIST

- A list of significant and special trees, including their species, size, and location.

- A description of the significance or special nature of these trees, considering their ecological value and the role they play in the landscape.

- A plan for the future use and management of these trees, including their protection and preservation.

- A schedule for monitoring the condition and condition of these trees, including regular inspections and maintenance.

INSPECTIONS

- A list of inspections performed, including the frequency and the results of each inspection.

- A discussion of the findings of each inspection, including any necessary actions to address any issues identified.

- A plan for future inspections, including the frequency and the areas to be inspected.

- A schedule for the future inspections, including a timeline for each inspection.

OTHER

- A list of other relevant information, including any additional comments or observations.

- A discussion of any special considerations or challenges faced during the planning and planting process.

- A plan for future improvements, including any necessary actions to address any issues identified.

- A schedule for the future improvements, including a timeline for each improvement.

- A list of any additional resources or support needed to complete the planning and planting process.