



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Items # 1 & 2
MCPB 6-9-05

MEMORANDUM

DATE: June 3, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief
Michael Ma, Supervisor
Development Review Division
FROM: Cathy Conlon
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Development Review Division
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REVIEW TYPE: **Site Plan Review**
CASE #: **8-05031**
PROJECT NAME: **Rock Spring Center Phase III**
APPLYING FOR: **Approval of a waiver to permit construction of an underground parking garage, which will cross a lot line**
Approval of a 157 room hotel, a 90,000 square foot wellness center and an 87 multi-family dwelling unit high-rise building on 3.21 acres and approval of a waiver of parking standards to reduce the number of parking spaces from 524 to 447
REVIEW BASIS: **Section 50-38(a)(1) Subdivision Regulations**
Section. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: **MXPD Zone**
LOCATION: **Northwest quadrant of the intersection of Old Georgetown Road and Rock Spring Drive**
MASTER PLAN: **North Bethesda/Garrett Park Master Plan**
APPLICANT: **Penrose Development Company, LLC**
FILING DATE: **March 30, 2005**
HEARING DATE: **June 9, 2005**

STAFF RECOMMENDATION FOR SUBDIVISION REQUEST FOR WAIVER SRW 05004:
Approval of a waiver to permit construction of an underground parking garage, which will cross a lot line

By letters of March 25, 2005 and May 18, 2005 (see Appendix A), the applicant's attorneys have requested a waiver of the Subdivision Regulations pursuant to section 50-38(a)(1) to permit construction of an underground parking garage which will cross a lot line. The proposed parking garage will be a shared facility serving both the hotel and wellness center and a proposed

apartment building, operated through a joint management agreement with necessary cross-easements. Section 50-20(b) of the Subdivision Regulations restricts the issuance of a building permit for construction of a dwelling or other structure, which crosses a lot line. The waiver requested by the applicant is covered in Section 50-38(a)(1), which states that:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

In this case, the applicant’s attorneys site practical difficulties for the development based on both the planned ownership structure and the urban design envisioned for the overall project. With regard to ownership structure, they note that separate record lots are needed for the hotel and wellness center and the residential apartment building because the structures will be owned by separate, unrelated entities and the purchases will occur at separate times and in separate transactions. Given these circumstances, they state that separate record lots are needed for the individual components if the project is to be commercially viable.

With regard to design considerations, the applicant’s attorneys point out that the shared underground garage avoids multiple above-grade parking structures that would add unnecessary mass and detract from the visual appearance of the project. They also note that multiple underground parking structures would detract from the efficiency of the planned overall vehicular and pedestrian circulation system. Finally, they note that having a shared parking facility contributes to the applicant’s ability to reduce the overall number of parking spaces needed for the development.

Staff recommends approval of the waiver request based on the practical difficulties related to achieving efficient use of multiple underground parking facilities and the negative impacts such facilities would have on the overall development’s circulation system. Staff believes the waiver is the minimum necessary and is not inconsistent with the purposes and objectives of the General Plan. In this case, the structure is a parking garage, not a main building, and it will cross the lot line underground. In this case, the waiver would actually be in the public interest because the shared parking for these mixed uses will facilitate easy and safe vehicular circulation and access to the future patrons and residents. The above-grade hotel/wellness center and apartment buildings will be required to meet applicable zoning setbacks and other limitations.

STAFF RECOMMENDATION FOR SITE PLAN 8-05031: Approval of a 157 room hotel, a 90,000 square-foot wellness center and an 87 multi-family dwelling-unit high-rise building on 3.21 acres, and approval of a waiver of parking standards to reduce the number of parking spaces from 524 to 447 with the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-98092A as listed in the Planning Board opinion dated [Appendix B].

2. Development Plan Amendment
The proposed development shall comply with the binding elements for Zoning Map Amendment G-713 and its associated Development Plan.
3. Site Design
a. Label the retaining walls to be built by the Applicant within the Phase III development.
4. Landscaping
a. Provide details at signature set of all of the hardscape materials proposed including, but not limited to, paver and wall materials, banding, connections, dimensions and spacing.
b. Provide detailed soils analysis for the plant material located on the structured parking.
5. Lighting
a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential and commercial development.
b. All light fixtures shall be full cut-off fixtures or shall be equipped with refractors, reflectors or shields.
c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
d. The height of the light poles outside the public right-of-way shall not exceed 12 feet.
6. Pedestrian Circulation
a. Pedestrian access from Phase III into the forest conservation area shall be shown on all plans and placed in an appropriate location, so as to protect the critical root zones (CRZ) of the specimen trees that will remain. The access point and impact to the CRZ of the affected trees and any associated stress reduction measures, shall be shown on the Tree Protection Plan and reviewed and approved by M-NCPPC-Environmental Planning staff.
7. Community Center
The location of the future community center has been identified by the applicant in the northwestern corner of the Rock Spring Center site, adjacent to Rockledge Drive and Rock Forest Drive. The community center is to be incorporated into the office component of the development as a vertically integrated structure. At the time of site plan review for Phase IV of the development, the applicant for Phase IV shall:
 - a. Submit a preliminary design of the community center and associated parking facility to demonstrate the functional feasibility of the center.
 - b. Coordinate with the Montgomery County Department of Recreation to:
 - i. Define the scope of the community center, which is to be provided by the applicant.
 - ii. Address the operation need of the center.
 - iii. Explore the possibility of providing wellness related or other type of activities at the community center.
8. Forest Conservation
The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning dated June 3, 2005 [Appendix C]:
 - a. Approval of this forest conservation plan specifically **excludes** final approval of the limit of disturbance and tree save associated with the Phase IV site plan area to undergo detailed review in the immediate future. While staff generally concurs in the limits, further detailed review and coordination with county DPS will be necessary before a final approval can be granted.

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- b. Compensatory measures in the form of invasives control and supplemental native forest planting shall be provided within the buffer area as compensation for permanent buffer encroachment, above and beyond forest conservation requirements.
- c. The disposition of certain specimen trees at the edge of disturbance associated with Phase III (Trees # 57 and 58, 45" and 36" white oaks) shall be determined prior to clearing and grading after further analysis of potential hazard to proposed development, relative to the current health and structural integrity of these trees.
- d. Record plat of subdivision shall reflect a Category I forest conservation easement over all area of environmental buffers and forest conservation. Amended language to the standard forest easement reflecting a plan for the remaining central park forested buffer area shall be reviewed and approved by MNCPPC staff prior to recordation of lots associated with Phase IV.
- e. Applicant shall be responsible on a pro-rata basis for forest conservation planting responsibilities as ultimately determined with the final forest conservation plan approval associated with the site plan for phase IV.

9. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 22, 2005 [Appendix C].

10. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities such as the indoor swimming pool, exercise room, fitness facility and sitting areas shall be completed prior to occupancy of each building. Staff shall receive written notification of the scheduled completion date to schedule an inspection of the internal recreation facilities, lighting and landscaping.
- c. Landscaping associated with each building shall be completed as construction of each facility is completed.
- d. Pedestrian pathways associated with each facility and the private roads shall be completed as construction of each facility and road is completed.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Provide each section of the development with necessary roads.
- g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, community paths or other features.

11. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

12. Signature Set

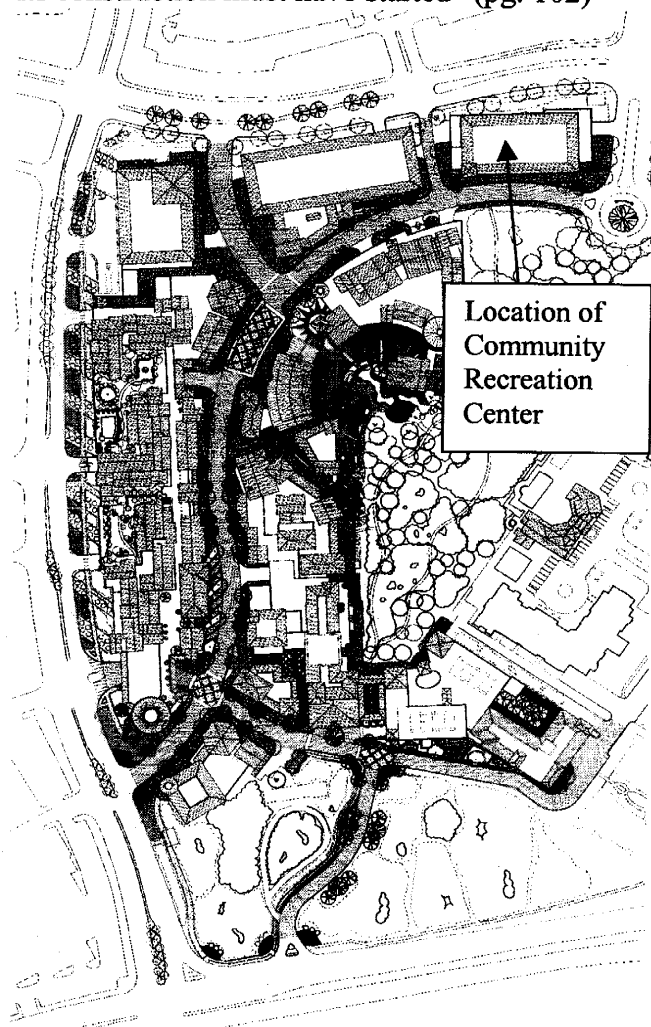
Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Forest Conservation easement areas and Tree Protection Plan measures.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Details of hardscape elements associated with the site amenities.
- g. All other related conditions of approval pertaining to site design, landscaping, lighting, recreation facilities and pedestrian circulation.

SITE PLAN REVIEW ISSUES

I. Community Recreation Center

Community recreation centers meet a need for a number of programmed activities, including large community meetings, social gatherings and smaller social activities. The North Bethesda Garrett Park Master Plan recommended a new community recreation center be located within the Rock Spring Center site. The Master Plan set parameters for a community center to include activity space that provides for good accessibility, visibility for the public and adequate parking. The Master Plan also recommended that space be provided for a number of activities including structured and unstructured athletic programs, programs for seniors, space for meetings and community groups, special human services and separate child care services. The Master Plan recommended that the selected site must be adequate for a 23,000 square foot facility and necessary parking; however, the Plan also states that the space recommended could be less than the standard requirements implemented by the Department of Recreation. The Master Plan is specific about the timing associated with the Community Center and states that "prior to issuance of the building permit for the second office building, a community center must be operational or its construction must have started" (pg. 102)



In addition to the Master Plan recommendations, preliminary plan #1-98092 has a condition (Condition No. 12 dated May 27, 1999) stating "Upon determination of the County to use a portion of this site for a community center, Applicant shall dedicate to the County, without cost to the County, that portion of the site designated for use as a community center."

The applicant is required to identify the site of the proposed 23,000 square foot community recreation center at the time Phase III is submitted. The location of the proposed facility is in the southeastern portion of the intersection of Rock Ledge Drive, Rock Forest Drive and the Main Street for Phase IV. The proposed community recreation center will be in Phase V and integrated into a food market and structured parking.

Applicant's Proposal (or Position)

The applicant has identified the proposed location of the community recreation center in Phase V of the overall development and is

modeling a facility after an urban community center constructed in Friendship Heights and the Leyland Center in Bethesda. The applicant is committed to coordinating with the Montgomery County Department of Recreation in providing a facility suitable to the needs of the community in an urban setting.

Position of the Department of Recreation

The Department of Recreation has some concerns about the location of the proposed community recreation center and activities that could potentially be programmed in the facility; however, it is committed to reviewing a program submitted by the applicant that would be similar to the facilities in Friendship Heights. The Department of Recreation would also like the applicant to consider how citizens will be able to use and access off-site recreation facilities that an urban facility cannot provide, such as ballfields and playgrounds. Safe pedestrian movement along Rock Spring Drive, specifically with regard to students at Walter Johnson High School is a primary concern that the Department of Recreation and other county agencies want resolved for future phases of the development. The location of the center will dictate pedestrian movement from the proposed community center to the school and surrounding development.

Staff Analysis/Position

Staff supports the location of the proposed community center; however recommends that the applicant work closely with The Department of Recreation to establish a program designed around their criteria and to address the concerns raised with regard to parking, access and operation. Staff has conditioned the report to require the Applicant to address these concerns and program elements prior to approval of Phase IV.

II. Parking Waiver

The applicant is requesting a waiver pursuant to Section 59-E-4.5 of the Montgomery County Zoning Ordinance to the required number of parking spaces for the Phase III development. The Zoning Ordinance requires 524 spaces for the proposed uses in Phase III, however the parking demand studies presented by the applicant indicate the actual demand is only 447 spaces. The applicant is seeking a waiver to reduce the number of spaces by 77 parking spaces. 350 spaces are being provided in the shared underground parking garage for patrons of the hotel and wellness center, as well as residents of the apartment building. This includes 97 wellness center employee spaces that will be located in adjacent parking garage for Tower II. The parking garage is approximately 500 feet from the entrance to the wellness center.

Applicant's Proposal (or Position)

The applicant is proposing a "Shared Parking Methodology" based on industry-accepted parking standards and demands for the particular uses and the analysis of the potential for shared parking based on operational characteristics of the hotel and wellness center. The applicant studied and established a baseline parking demand for the proposed uses in Phase III; including a wellness center, hotel and multi-family apartment uses. The analysis found a 60% reduction of the required baseline spaces. The analysis indicates that the hotel is a "destination hotel" with the majority of the clientele being driven to the hotel, rather than individuals driving themselves to

the hotel and wellness center. Additionally, the analysis supports the reduction due to the fact that 60% of the wellness center memberships are comprised of residents in the two adjacent condominium towers and the apartment building in Phase III. Therefore, the majority of the residents will not require separate parking spaces and many of the residents will walk to the wellness center.

Staff Analysis/Position

The applicant satisfies the objectives of the Parking Facilities Plan, pursuant to Section 59-E-4.2 of the Zoning Ordinance.¹

The reduction of parking spaces accommodates the goals of the MXPDP Zone by encouraging structured parking in order to “help achieve the open space and amenities objectives of the Zone.” The conservation easement edge and open space in the center of the site is protected by not allowing additional parking to encroach into the space. The shared parking garage provides efficient use of parking space and promotes interaction between adjacent uses through an improved pedestrian circulation system. The reduction in the number of parking spaces will not have an adverse impact on the health, safety and welfare of the patrons or any adjoining land or public road that abuts a parking garage.

Staff supports the waiver request for the reduction of 77 parking spaces for Phase III development.

¹ Sect. 59-E-4.2. Parking facilities plan objectives.

A parking facility plan shall accomplish the following objectives:

- a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- b) The safety of pedestrians and motorists within a parking facility.
- c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- d) The provision of appropriate lighting, if the parking is used after dark.