**MEMORANDUM**

DATE: June 2, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Development Review Division
FROM: Michael Ma, Supervisor *Ma*
 Development Review Division
 (301) 495-4523



REVIEW TYPE: Site Plan Amendment
CASE #: 82004017A (formerly 8-04017A)
PROJECT NAME: Rock Spring Center, Tower II
APPLYING FOR: Approval of amendments to Site Plan 820040170 (formerly 8-04017) to modify number of units, building footprint, building height, gross floor area, parking, MPDU's, and landscaping.

ZONE: MXPDP (Mixed Use Planned Development)
LOCATION: On the south side of Rock Forest Drive, approximately 690 feet east of Rockledge Drive
MASTER PLAN: North Bethesda & Garrett Park
APPLICANT: Penrose Development Company, LLC
FILING DATE: March 24, 2006
HEARING DATE: June 15, 2006

STAFF RECOMMENDATION: Approval of 217 multi-family dwelling units on 1.96 acres with the following conditions:

1. Prior Approval
The terms and conditions of all applicable prior regulatory approvals and agreements remain in full force and effect, except as affected by this site plan amendment.
2. Moderately Priced Dwelling Units (MPDUs)
The proposed development shall provide required MPDUs in accordance with the Amended Alternative Agreement with the Montgomery County Department of Housing and Community dated January 11, 2005.

3. Transportation

Prior to approval of the certified site plan, the applicant shall enter into a traffic mitigation agreement (TMAg) with the Planning Board and Montgomery County Department of Public Works and Transportation (DPWT) to participate in the North Bethesda Transportation Management Organization (TMO) to assist with the North Bethesda Transportation Management District (TMD) in achieving and maintaining the 39% non-driver mode share goal for workers and 30% for residents.

4. Site Plan Enforcement Agreement

The applicant shall submit a revised Site Plan Enforcement Agreement for review and approval prior to approval of the certified site plan. The Development Program shall be revised to include a phasing schedule as follows:

- a. Street tree planting shall progress as street improvement is completed, but no later than six months after completion of the proposed building.
- b. Community-wide pedestrian pathways and recreation facilities shall be completed prior to seventy percent occupancy of the development.
- c. Landscaping and outdoor lighting shall be completed as construction of the facility is completed.
- d. The required bus shelters and proposed sidewalk to Old Georgetown Road shall be installed prior to occupancy of the first unit of the subject apartment tower unless amended by the site plan approval for the remaining portion of Rock Spring Center.
- e. Clearing and grading to correspond to the construction phasing, to minimize soil erosion and forest loss.
- f. Coordination of each section of the development and roads.
- g. Phasing of stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.

5. Certified Site Plan

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

- a. Revised development standards and program summary.
- b. Revised recreation facility calculation.
- c. Forest Conservation easement areas.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development program, inspection schedule and Site Plan Opinions.
- f. Show bus stop locations and provide bus shelters on Rock Ledge Drive and Rock Spring Drive as required by the Montgomery County Department of Public Works and Transportation.

BACKGROUND

Rock Spring Center

Site Plan 8-04017 for Rock Spring Tower II was approved by the Planning Board on February 26, 2004, with conditions. A copy of the Planning Board opinion is attached (Appendix A). The approved site plan proposed a 19-story, 352-unit, high-rise residential building. It is part of Rock Spring Center, which is planned as a 53.4-acre, mixed-use development containing residential, retail, office, entertainment, and community center uses. The entire Center will be developed in five phases. The high-rise residential component of the Center, which includes two towers (Tower I and Tower II) and a clubhouse, is the second phase of the development and is currently under construction.

Approved Plan for Tower I

Site Plan 8-03036 for Rock Spring Tower I was approved by the Planning Board on November 20, 2003. The Plan was amended subsequently by the applicant to modify the building footprint, total floor area, building height, and landscaping in order to accommodate fewer, but larger, units (from 351 to 217 units) and a revised architectural design. The amended site plan was approved by the Planning Board staff administratively on March 3, 2005. The proposed amendments to the subject site plan 8-04017 for Tower II are very similar to those approved for Tower I in scope and nature.

Developers

Avalon Bay Communities developed the first phase of the project. It is located on the northern portion of the Center along the I-270 east spur. It contains approximately 10 acres, and is developed with a 390-unit apartment complex in six, four-story buildings. Phases II through IV of the Center will be developed by Penrose Development Company, the applicant of the subject application.

PROPOSE AMENDMENT

The following are the main revisions proposed by the applicant for Tower II site plan:

Unit Design and Mix

The subject site plan amendment proposes to reduce the total number of units from 352 to 217. Each unit, however, will be larger in floor area and ceiling height. The mix of the units includes 15 one-bedroom, 186 two-bedroom, and 16 three-bedroom units. Loft space will be added to the units on the top floor.

Building Footprint

The building footprint was slightly modified to reflect the new unit design and other architectural articulations, such as bay windows and projections.

Building Height

The height of the building was increased from 19 stories (190 feet) to 20 stories (232 feet) due to the following changes:

- a. The ceiling height for each floor was increased by 8 to 12 inches.

- b. Loft space, which is 10 feet in height, was added so that the units on the top (19th) floor will be two stories high.
- c. The roof design was changed from a flat roof to a sloped roof.
- d. The point of measurement for the building height was changed. The Department of Permitting Services (DPS) measures the height of this building from the elevation of the approved street grade (Rock Forest Drive) opposite the middle of the front of the building (66.16), which is approximately 14 feet lower than the elevation of the proposed plaza (80) which was used to determine the building height previously. A copy of the letter issued by DPS staff dated March 21, 2006, regarding this issue is attached (Appendix B).

Total Floor Area

The total floor area for the proposed building was increased from 429,442 to 462,612 square feet due to the addition of loft space on the 20th floor (approximately 9,200 square feet) and bay windows and other architectural projections on every floor.

MPDUs

The approval conditions of Site Plan 8-04017 for Rock Spring Tower II required that 32 MPDUs be provided on site in accordance with the letter from the Montgomery County Department of Housing and Community Affairs (DHCA) to Chairman Berlage dated November 20, 2003. The applicant subsequently entered into an amended Alternative Agreement with DHCA for Rock Spring Center to shift the required 107 MPDUs from Phases II, III and IV to Phase IV. Therefore, the amended site plan for Tower II, which is part of Phase II, will not provide any MPDUs on site. A copy of the amended Alternative Agreement dated January 11, 2005, is attached (Appendix C).

Parking

Since the total number of units was reduced from 352 to 217, the required number of parking spaces was reduced to 330. The total number of parking spaces provided was changed from 563 to 490, of which 482 spaces will be located in the underground garage and 8 at plaza near building entrances.

Landscaping

The amended site plan proposes minor revisions to the approved plans in landscape and hardscape as a result of changes to garage air vents, shifting the side entrance to building, and revisions to the entrance courtyard architecture.

PUBLIC OUTREACH

This amendment application precedes changes in the law regarding a pre-submittal meeting.

A notice of the subject site plan amendment application 82004017A was sent to adjoining and confronting property owners and parties of record by the applicant on March 28, 2006. A copy of the notice is attached (Appendix D). As of the writing of this report, staff has not received any comments from any concerned citizens or parties. A notice of the public hearing for the amended site plan was mailed on June 5, 2006.

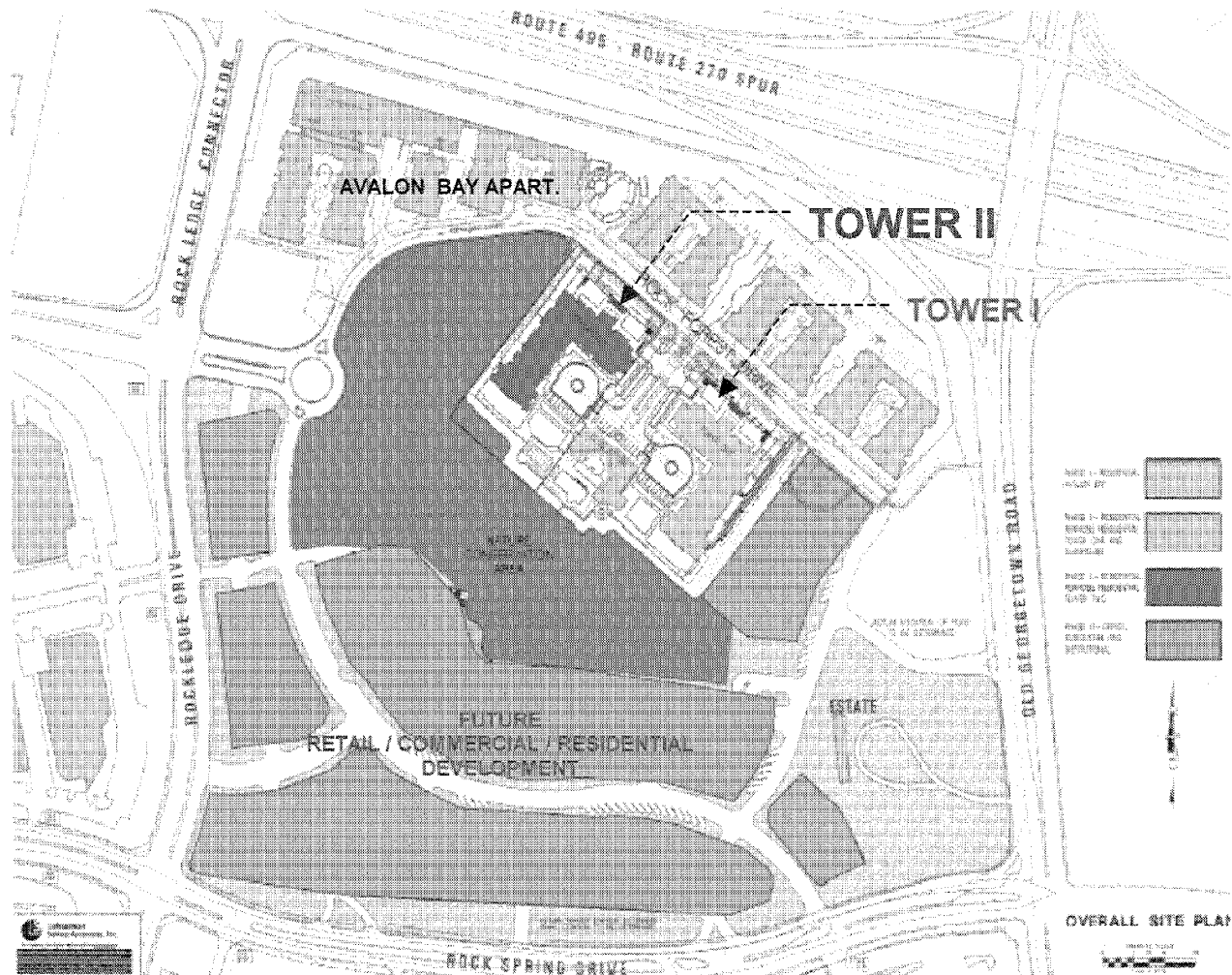
PROJECT DESCRIPTION: Site Vicinity

The subject 1.96-acre site is part of a larger 53.4-acre tract known as Rock Spring Center. The Center is bounded by the I-270 east spur to the north, Rockledge Drive to the west, Rock Spring Drive to the south, and Old Georgetown Road to the east. Immediately to the west and southwest of the Center is Rock Spring Office Park, which is developed with corporate offices. The Walter Johnson High School is located to the south of the Center. Across Old Georgetown Road to the east are one-family detached homes. The northern portion of the Center along the I-270 east spur is developed with a 390-unit apartment complex in six, four-story buildings. The subject site is located on the south side of Rock Forest Drive, approximately 690 feet east of Rockledge Drive. It is bounded by the Apartment Tower I site to the east and undeveloped portions of the Center to the south, and west. Across Rock Forest Drive from the site is the existing apartment complex.



PROJECT DESCRIPTION: Proposal

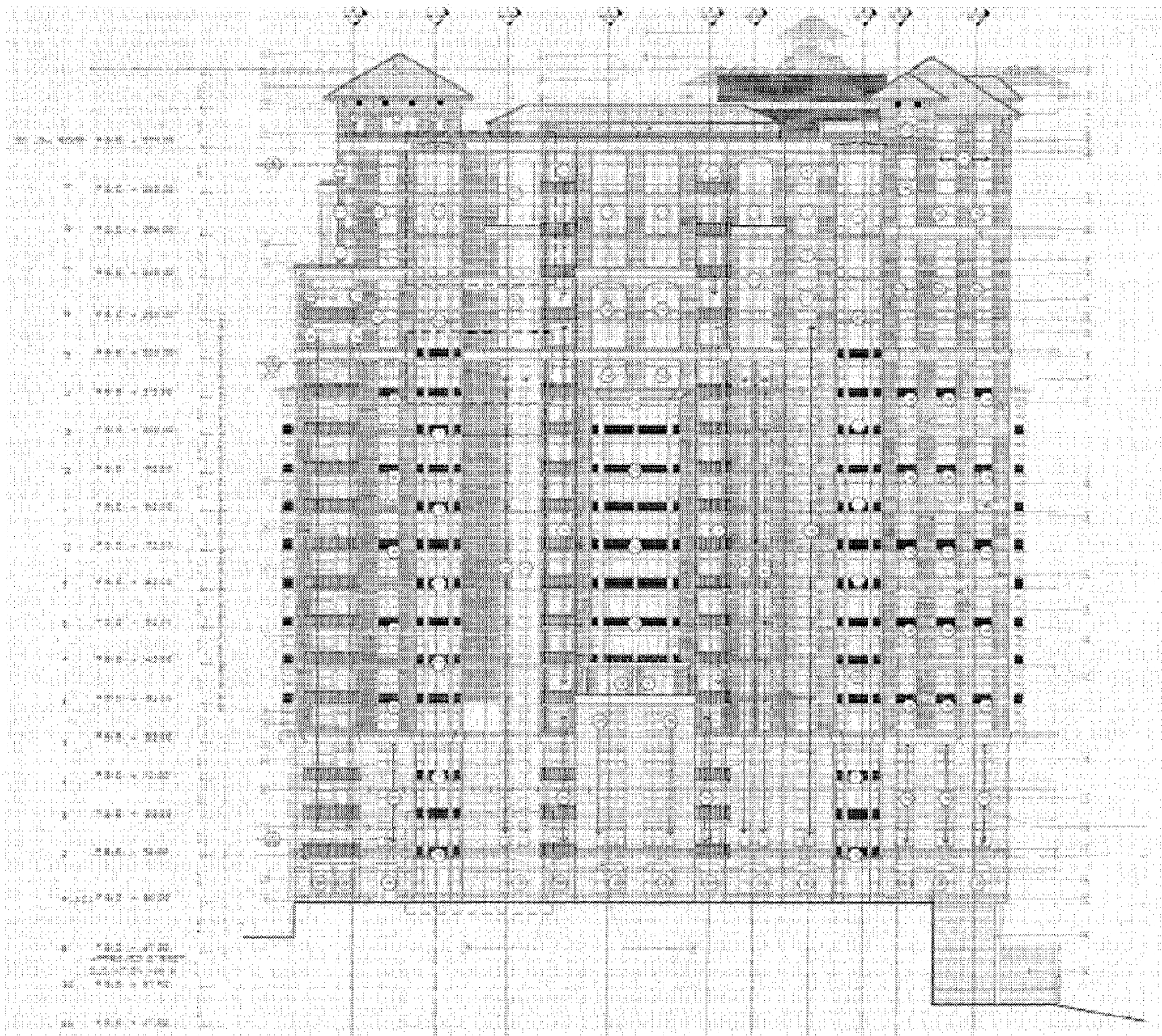
Rock Spring Center is planned as a 53.4-acre, mixed-use development containing residential, retail, office, entertainment, institutional, and community center uses to be developed in five phases. The northern portion of the Center along the I-270 east spur, which contains approximately 10 acres, is developed with a 390-unit apartment complex in six, four-story buildings by Avalon Bay Communities. Phases II through IV will be developed by Penrose Development Company, the applicant of the subject application.



The subject application (colored in red) is for the second phase of the high-rise residential component of the Center. The entire high-rise development will consist of 434 units in two 20-story buildings, a two-story clubhouse and a 3-level underground parking garage. The subject site plan includes a 20-story building (217 units), a swimming pool, a plaza/green space, and part of the 3-level underground parking garage. The remaining portions of the center (colored in pink) will be developed with office, retail, residential, entertainment, institutional, and community center uses.

Access to the development will be via a divided monumental entrance driveway off Rock Forest Drive. The ramp leading to the underground parking garage will be located approximately 60 feet from the street off of the entrance driveway. The driveway slopes up approximately 6 feet toward the clubhouse and turns westwards into a drop-off court. A fountain will be located at the center of the court as a focal point. Landscaped green space and a swimming pool are proposed between the court and the southern boundary of the development. A separate driveway to the loading area will be provided at the northwestern corner of the site.

The proposed high-rise building is set back 30 feet from the street. Landscaped berms will be provided between the sidewalk and the retaining walls. Shade trees are proposed along the street frontage and the entrance driveway. Recreation facilities will include landscaped green space, pathways, outdoor sitting and picnic areas, swimming pools, exercise rooms, media room, library, party room and meeting room.



BUILDING ELEVATION

PROJECT DESCRIPTION: Prior Approvals

Zoning Application G-713

The subject property was rezoned from the R-H zone to the MXPB zone by the District Council on April 29, 1997. A copy of Council Resolution (13-865) is attached (Appendix E). As part of the zoning application G-713, a Development Plan for the proposed development was approved with a number of binding elements.

Development Plan Amendment DPA 99-1

The approved Development Plan as part of zoning application G-713 was amended by DPA 99-1 and approved on September 29, 1998. A copy of Council Resolution (13-1442) is attached (Appendix F). DPA 99-1 did not change the amount of development or the phasing plan as a binding element of the approved plan. It merely clarified the phasing plan by adding additional language. All the required road improvements or traffic mitigation measurements remain.

Preliminary Plan

Preliminary Plan 1-98092 for Rock Spring Center was approved by the Planning Board with conditions on May 27, 1999. A copy of Planning Board opinion is attached (Appendix G). Preliminary Plan 1-98092 satisfied the Adequate Public Facilities test for the following land uses (given the remaining capacity of more than 1,250 housing units and only 3,667 jobs available at that time):

- a. 1,250 housing units (apartments)
- b. First stage non-residential uses of 977,200 square feet consisting of the following land uses:
 - 1) 637,200 (of the buildout total of 830,000) square feet of general office use
 - 2) 220,000 square feet of general retail use
 - 3) 90,000 square feet for a movie theater (retail use)
 - 4) 30,000 square feet for a community center

The total build out in the future for non-residential uses was proposed to be a total of 1,355,000 square feet. The remaining non-residential development below had to undergo a revised Local Area Transportation Review when the 1,268 jobs become available to satisfy Policy Area Review:

- a. 185,300 square feet of general office use
- b. 185,000 square feet of institutional uses

The approved Preliminary was amended and approved by the Planning Board on September 23, 2004. A copy of Planning Board opinion for 1-98092A is attached (Appendix H).

Site Plan 8-00034

Site Plan 8-00034 for Avalon Bay at Rock Spring Centre was approved by the Planning Board for 390 garden apartments in the northern portion of Rock Spring Center on August 3, 2000.

Site Plan 8-03036

Site Plan 8-03036 for Rock Spring Apartment Tower I was approved by the Planning Board for 351 apartments on November 20, 2003. The Plan was amended and approved on March 3, 2005.

Site Plan 8-05031

Site Plan 8-05031 for Rock Spring Centre Phase III was approved by the Planning Board on June 9, 2005, for a 157-room hotel, a 90,000-square-foot wellness center, and an 87-unit multiple-family building on 3.21 acres.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (MXPD Zone)

Development Standard	Permitted/ Required	Original SP Approval	Proposed for Approval
Min. Tract Area (ac.):		1.96	1.96
Max. Residential Density (d.u./ac.)	44 ¹	180	111
Number of Dwelling Unit			
1-bedroom		173	15
2-bedroom		165	186
3-bedroom		<u>14</u>	<u>16</u>
Total		352	217
Gross Floor Area (sq. ft.)	--	429,442	462,612
MPDUs on-site (d.u.)	32 ²	32 ²	0 ³
Building Setbacks (ft.)			
from detached homes	100	550	550
from Rock Forest Drive	--	30	30
from Rock Ledge Drive	--	547	547
Green Area (%)	50	60	59
Building Height (story):	22	19 (190 feet)	20 (232 feet) ⁴
Parking Spaces			
15 1-bedroom @ 1.25 sp	19		
186 2-bedroom @ 1.5 sp	279		
16 3-bedroom @ 2.0 sp	<u>32</u>		
Total	330	563	490

1. the overall density for the residential areas within the Center; a total of 1,250 units was approved for the entire Rock Spring Center.
2. in accordance with the letter from the Department of Housing and Community Affairs to Chairman Berlage dated November 20, 2003.
3. per the amended Alternative Agreement dated January 11, 2005.
4. measured from the elevation of the approved street grade (Rock Forest Drive) opposite the middle of the front of the building

ANALYSIS:

Proposed Amendments

The main changes proposed by the subject application as listed in the Proposed Amendment section on pages 3 and 4 are modifications to the total number of units, building floor area, building height, parking, and provision of MPDUs on site. Other changes, such as landscaping, addition of air vents, and sidewalks, are minor in nature.

The height of the building was increased from 19 stories (190 feet) to 20 stories (232 feet) due to the increase of the ceiling height for each floor, addition of loft space on the 20th floor, and changes to the roof design. These changes resulted in a building that is approximately 28 feet higher than that approved previously. In addition, the base measurement point of the building height was changed from the elevation of the proposed plaza to the elevation of the approved street grade (Rock Forest Drive) opposite the middle of the front of the building, which is approximately 14 feet lower. The maximum building height allowed for Rock Spring Center is 22 stories. No specific height in feet was established by either the Zoning Ordinance or the approved Development Plan.

The total building floor area was also increased from 429,442 to 462,612 square feet due to the addition of loft space on the 20th floor (approximately 9,200 square feet) and bay windows and other architectural projections on every floor. The increases of the building's height and size do not substantially affect the building's proportion and appearance of the mass.

The Urban Design portion of the Approved and Adopted 1992 North Bethesda Garrett Park Master Plan recommends a landmark building where "the view axes of north and southbound Old Georgetown intersect. A landmark here would mark the symbolic center of the Rock Spring Park district" (p.138). Tower II is located in the northeastern portion of the property and is adjacent to the central woods on the property. Existing single-family residential are further north across I-270 Spur and east across Old Georgetown Road. Therefore, staff found that the revised building design is compatible with surrounding development and still meets the urban design vision established by the Master Plan for this area.

The shift of the required 32 on-site MPDUs for Tower II to a later phase, Phase IV, was approved by the Montgomery County Department of Housing and Community Affairs (DHCA) via an amended Alternative Agreement dated January 11, 2005, which precedes changes in the law requiring approval of an alternative compliance proposal by a three-party review committee.

Conformance to Master Plan

The Approved and Adopted 1992 North Bethesda Garrett Park Master Plan envisions the 54 acre Rock Spring Center, identified as the Davis Parcel, as an urban village center with a mix of office, retail, residential and institutional uses.

The Master Plan does not recommend a specific height limitation for Davis Parcel. The Plan recommends a series of heights with "high buildings on the central park or at the southwest corner of the site, with highest buildings on the northeast-southwest axis" (p.105). Subsequently, the proposed amendment is in conformance with Master Plan.

The Master Plan notes that 1,250 multi-family residential units, including 226 Moderately Price Dwelling Units (MPDUs), are allowed on the Davis Property. Subsequent phases of Rock Spring Center will have MPDUs as called for in the applicant's agreement with Montgomery County Department of Housing and Community Affairs (DHCA).

The Plan recommended the Mixed Used Planned Development (MXPD) zone to implement this vision and identified 25 development guidelines for the Davis Parcel including a phasing plan, office and retail use, and building locations and heights.

Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Demand Management (TMD). The applicants of multi-family housing developments are required to participate with the North Bethesda TMO to assist the North Bethesda TMD in achieving and maintaining the 39% non-driver mode share goal for workers and 30% for residents. The draft TMAg for this site plan was submitted in March 2006 and is currently under review by the Planning Board and DPWT staff.

Adequate Public Facilities Transportation Review

The APF review for the proposed 217 apartments would be part of the overall approval for Preliminary Plan No. 1-98092-A, Rock Spring Centre, on September 23, 2004. That preliminary plan revision was approved for a total of 1,250 residential apartment units, a 200-room hotel, 527,900 square feet of general office use, 340,000 square feet of general retail use, and a 30,000-square-foot community center. This site plan amendment proposes a development that is expected to generate less weekday peak-hour trips than the original site plan approval. Therefore, Local Area Transportation Review test is satisfied.

Unlike the current *Annual Growth Policy*, the original Preliminary Plan No. 1-98092 approval on May 27, 1999 had to satisfy Policy Area Transportation Review under the *FY 1999 Annual Growth Policy* transportation staging ceilings. The Policy Area Transportation Review limited the number of housing units and the square footage of non-residential land uses (i.e., in units of jobs) to their staging ceiling capacities for the North Bethesda Policy Area. The staging ceiling capacities used for this preliminary plan approval included all available capacities created by publicly funded transportation infrastructure and by additional applicant's funding of the transportation infrastructure.

Forest Conservation

The original 53.4-acre Davis-Camalier tract was reviewed for forest conservation as part of the MXPD zoning application G-713 and the overall Preliminary Plan 1-98092. Refinements to these original approvals are being made as each portion of the site comes in for site plan review. It is at this phase that detailed forest/tree protection plans and planting decisions are approved within the context of the final forest conservation plan requirement for each site plan.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan (DPA 99-1) in land use, density, location, building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the MXPB zone as demonstrated in the project Data Table above.

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

- a. Buildings

The amended site plan proposes a 20-story, 232-foot residential building, a swimming pool, and a 3-level underground parking garage. The high-rise portion of the building will be set back at least 50 feet from the street and at least 550 feet from any detached homes. The underground garage will provide adequate and convenient parking for future residents and their visitors. The revised building design is compatible with surrounding development and still meets the urban design vision established by the Master Plan for this area.

- b. Open Spaces

The amended plan proposed 1.16 acres of green space throughout the site, including paved courtyard, landscaped green space, lawn areas, pool, and forest conservation areas.

The stormwater management concept for the proposed development consists of (1) on-site channel protection measures via the use of the dry pond located in the southwest quadrant of the interchange of I-270 and Rockledge Drive, and (2) on-site water quality control via underground storm filter near Rock Forest Drive. A recharge weir is proposed along the back edge of the permanent construction.

The plan proposes to save 0.33 acre of forest and remove approximately 15 specimen trees. Reforestation will be required for the overall Rock Spring Center, which includes this site, with first preference given to onsite reforestation.

- c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the street frontage, internal driveways, and around the proposed drop-off court and green space areas. A portion of the existing vegetation, about 0.33 acres, will be saved along the south boundary of the site. Additional plant materials are needed along the southern edge of the structure to provide adequate screening along the retaining walls.

The plan proposes various lights along the street and throughout the site, including streetlights on 13-foot-high poles, internal sidewalk lights on 11-foot-

high poles, wall-mounted lights, and uplighting for landscaping. Additional lighting should be provided along the proposed sidewalk on the east side of the high-rise building.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations. The proposed recreation facilities, including landscaped green space, lawn areas, pathways, outdoor sitting and picnic areas, swimming pools, exercise room, media room, library, party room and meeting room, will provide future residents with a variety of passive and active recreation opportunities.

e. Vehicular and Pedestrian Circulation

Access to the development will be via a divided monumental entrance driveway consisting of two ingress and two egress lanes off Rock Forest Drive. The ramp leading to the underground parking garage will be located approximately 60 feet from the street off of the entrance driveway. The driveway slopes up approximately 6 feet toward the clubhouse and turns westwards into a drop-off court. A separate driveway to the loading area is proposed at the northeastern corner of the site.

The plan proposes a sidewalk along the Rock Forest Drive frontage and an internal pathway system connecting building entrances with outdoor facilities and the public sidewalk. The plan also shows a 5-foot-wide sidewalk along the west boundary of the site between Rock Forest Drive and the building's lobby exit doors on the its west side. A minimum 5-foot clearance (ADA requirements) should be maintained throughout the project's internal pedestrian pathway system to ensure safe and convenient pedestrian circulation.

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

The proposed high-rise residential building and associated underground parking structure are part of Rock Spring Center, which is planned as a 53.4-acre, mixed-use development containing residential, retail, office, entertainment, institutional, and community center uses. The subject development, the high-rise component of the Center, will be bounded by the existing garden apartment complex to the north, stream buffers to the west and south, and a commercial use to the east. It is an integral part of the overall mixed-use development and will be compatible with existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The final forest conservation plan proposes to remove nearly all the forest on the site, including approximately 11 significant trees (larger than 24" cal. trees), and saving

approximately 0.2 acre of forest at the southern corner. As it now stands, clearing over the entire Rock Spring property of 53.4 acres totals 20.8 acres of the pre-development 26.6 acres of forest, resulting in a current reforestation requirement of 12.9 acres. First preference will be given to onsite reforestation as area allows.

APPENDIX

- A. Planning Board opinion for Site Plan 8-04017 for Rock Spring Tower II
- B. Letter from DPS staff to Tim McDonald dated March 21, 2006
- C. Amended Alternative Agreement dated January 11, 2005
- D. Notice of the subject site plan amendment application dated March 28, 2006
- E. Council Resolution 13-865
- F. Council Resolution 13-1442
- G. Planning Board opinion for Preliminary Plan 1-98092
- H. Planning Board opinion for Preliminary Plan 1-98092A