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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-16
Site Plan No. 820090030
Project Name: Rock Spring Centre
Date of Hearing: February 17, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

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

WHEREAS, on September 29, 1998, the District Council approved Development Plan Amendment (DPA) 99-1 (Resolution No. 13-1442) to include a phasing plan with required infrastructure and development for each phase of this project; and

WHEREAS, the Planning Board approved with conditions Preliminary Plan No. 119980920 (Resolution dated October 25, 1999), and as amended, Preliminary Plan Nos. 11998092A (Resolution dated November 9, 2004) and 11998092B (of even date herewith) for 549,900 square feet of office uses, 210,000 square feet of retail uses, 200,000 square feet of hotel uses with up to 200 guest rooms, 90,000 square feet of entertainment uses, 1,250 multi-family dwelling units, and a 30,000-square-foot community center; and

WHEREAS, for the Subject Property (as hereinafter defined), the Planning Board previously approved Site Plan No. 820050310 (Resolution dated February 2, 2006), and Applicant filed an application for Site Plan No. 820060270 that was never brought before the Planning Board for review; and

WHEREAS, with the intention of superseding Site Plan Nos. 820050310 and 820060270, on August 29, 2008, Davis Brothers Montgomery Farm LP, Camalier LP, and DRI Development Services ("Applicant"), filed an application for approval of a Site Plan for a mixed-use development with 210,000 SF of retail, 549,900 SF of office,

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department 8787 Georgia Avenue, Suite 1000, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

90,000 SF of below grade entertainment facilities, a 200-room hotel, and 161 residential dwelling units (including 44 MPDUs) ("Site Plan" or "Plan") on a 30.17 acres portion ("Property" or "Subject Property") of the 53.4 acres Davis Camalier property included in the approved Preliminary Plans on MXPB-zoned land, located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820090030, Rock Spring Centre (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 4, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on February 17, 2011, the Planning Board held a public hearing on the Application and the concurrent Preliminary Plan Amendment No. 11998092B (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 17, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Dreyfuss, Hanson, Presley, and Wells-Harley voting in favor, and Commissioner Alfandre absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090030 for a mixed-use development with 210,000 SF of retail, 549,900 SF of office, 90,000 SF of below grade entertainment facilities, a 200-room hotel, and 161 residential dwelling units (including 44 MPDUs), on 30.17 gross acres in the MXPB zone, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

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

2. Development Plan Conformance

The proposed development must comply with the binding elements of the Zoning Case No.G-713 (Resolution No. 13-865) and its associated Development Plan Amendment 99-1(Resolution No. 13-1442). Before a building permit for the

second office building can be issued, the Applicant must obtain a Development Plan Amendment to revise the binding elements associated with a community center to comport to the dedication of 0.57 acres of land to the County for recreational use. The revised DPA, if needed, should show the location of the 0.57 acres of land that the county required for recreational use. Any such revision to the Development Plan must also include an update to reflect the hotel use initially approved in Preliminary Plan No. 11998092A and Site Plan No. 820050310, regardless of its invalidation by this Site Plan approval.

3. Previous Site Plans

a) Site Plan No. 820050310

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

b) Site Plan No. 820060270

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

Environment

4. Forest Conservation

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

- i. Detail the invasive species management plan, in terms of species and treatment methods, and specifying the necessary supplemental plantings.
- ii. Revise the worksheet to account for clearing which occurred in the staging area fronting Old Georgetown Road. Adjust notes, tables and legend accordingly.
- iii. Identify the off-site forest mitigation bank and the appropriate amount of credits needed.
- iv. Clarify and correct all plan references to the phase II encroachments within the boundaries of the current phase, by providing a general note to restore and/or reforest the disturbed areas prior to final release of the FFCP bond associated with the current phase.
- v. Revise the legend symbols with the plan graphics for all items so they match, including but not limited to the existing/proposed forest lines and the individual tree symbols.
- vi. Adjust legend, worksheet and any other plan reference to exclude large landscape areas from phase III (maximum landscape credit has been already been credited in a previous phase).
- vii. Provide permanent boundary monuments at each corner of the forest conservation easements. Include additional posts along boundary lines as needed so that the spacing does not exceed approximately 150'.

- viii. Delete the cultivar reference from reforestation list. Specify only standard native plant materials for reforestation.
 - b) The Category I Easement areas as shown on the Final Forest Conservation Plan (FFCP) must be recorded by plat prior to land disturbing activities occurring onsite.
 - c) Submission of financial security for the planting requirements and invasive management work specified on the FFCP to occur prior to any land disturbing activities occurring onsite.
 - d) The certificate of compliance for the off-site forest mitigation bank must be submitted by Applicant, then approved by M-NCPPC Associate General Counsel Office prior to land disturbing activities occurring onsite.
 - e) Applicant must perform the initial invasive species control work following the preconstruction meeting, and prior to the release of building permits (to be performed along with the pre-construction measures such as tree protection). The supplemental native plantings must occur as soon as possible but no later than 2 growing seasons after the pre-construction meeting date.
5. Stormwater Management
The development is subject to Stormwater Management Concept approval conditions dated December 22, 2010, unless otherwise amended and approved by the Montgomery County Department of Permitting Services.
6. LEED Certification
The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Parks, Open Space, & Recreation

7. Common Open Space Covenant
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff before release of the first building permit, that

Applicant's Documents establishing the Umbrella Association for the development incorporate by reference the Covenant.

8. Recreation Facilities

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

9. Maintenance of Public Amenities

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

Transportation & Circulation

10. Transportation

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

11. Rock Spring Drive Median

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

12. Pedestrian Circulation

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

along the Rock Spring Drive frontage between Old Georgetown Road and Rockledge Drive.

Housing & Schools

13. Moderately Priced Dwelling Units (MPDUs)

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

14. Public Schools Coordination

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

Site Plan

15. Site Design

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

16. Landscaping

- a) Provide green screens, with the minimum length of 60 feet, on the western facades of Buildings 1 and 2 along Rockledge Drive and on the southern façade of Buildings 4 and 7 along Main Street.

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

17. Lighting

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

18. Landscape Surety

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

- a) The amount of the surety shall include plant material, on-site lighting, recreational facilities, site furniture, bicycle facilities, cascading fountain, and entry feature with signage within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.

- c) Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

19. Development Program

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

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) The improvements on Rock Spring Drive must be completed prior to opening the access to East Street off Rock Spring Drive.
- c) Provide each section of the development with necessary roads.
- d) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- e) Landscaping and lighting associated with each building shall be completed as construction of each building is completed.
- f) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed as construction of each building is completed.
- g) Recreation facilities including the tot lot and the open play area II must be completed prior to issuance of the 100th residential building permit.
- h) Pedestrian pathways, sidewalks and seating areas associated with each building must be completed as construction of each building is completed.
- i) The central Plaza area including seating, special paving, plantings and cascading water feature on the south side of Main Street must be completed prior to issuance of the use and occupancy permit for Building 6C.
- j) The Plaza area including seating, special paving, and plantings between Streets H and G must be completed prior to issuance of the use and occupancy permit for Buildings 6A and 6B.
- k) The Plaza area including seating, special paving, and plantings on the east side of Building 3 must be completed prior to issuance of the use and occupancy permit for Building 3.

- l) The entry feature including project sign and landscaping on the Rock Spring Drive entrance must be completed prior to issuance of the use and occupancy permit for Building 8.
- m) If construction is phased, parking requirements will be addressed via an interim parking plan to be approved by M-NCPPC and DPS Staff prior to issuance of the building permit for that particular use.
- n) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, parking and other features.

20. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Add a note to the site plan stating that "All utility lines on private and public streets must be placed underground per 59-C-7.57."
- d) Modify data table to reflect development standards enumerated in the staff report.
- e) Update parking calculations table and recreation calculations table to reflect calculations in staff report.
- f) Ensure consistency off all details and layout between site plan and landscape plan.
- g) Label proposed light fixtures on garage tops.
- h) Provide a cross section illustrating the visibility of the light fixtures on the garage tops from Rock Spring Drive and residential buildings, and visibility of the light fixtures on the residential garage tops from the residential units above, and estate house parcel.
- i) Add design elements to the top level of the garage structures of Buildings 4 and 7, which may include trellis, concrete patterns, landscaping, and/or architectural treatments, to soften the appearance of the parking areas.

21. Site Plan Amendments

- a) Minor modifications to landscaping, lighting, recreation and paving materials may be approved by M-NCPPC and documented with M-NCPPC and DPS Site Plan Enforcement. These minor modifications include substitution of materials (planting, lighting, recreation facilities), relocation due to placement of utilities and modifications to grading. Minor modifications can be adjusted in the field only with the approval of M-NCPPC. Minor modifications shall be

considered "Administrative" or "Director Level" amendments in accordance with the Development Manual procedures.

- b) Major modifications to the site plan must follow the procedures outlined in Development Manual.

BE IT FURTHER RESOLVED, that all site development elements as shown on Rock Spring Centre drawings stamped by the M-NCPPC on November 12, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Site Plan conforms to all non-illustrative elements and binding elements of the Zoning Case No. G-713 (Resolution No. 13-865) as later amended by Development Plan Amendment 99-1 (Resolution No. 13-1442) in terms of land use, density, location and development guidelines. G-713 and DPA 99-1 incorporated the Development Guidelines for the Davis Parcel on the North Bethesda/Garrett Park Master Plan (p.102-105) as binding elements. The binding elements established density limits for the original 53.4-acre Rock Spring Centre tract. With this Site Plan, the maximum residential density of 1,250 dwelling units (including 226 MPDUs) for the entire site has been reached together with the maximum density for entertainment and retail use. Additional density for office and institutional uses is still available.

Development Guideline 5.c) requires that the Applicant dedicate land for a 23,000 square foot community center. Originally, the Applicant proposed a community center above the movie theater on Parcel C. However, the County has decided to forego locating the community center on the Rock Spring Centre property and instead is investigating other options to meet the recreational needs of the surrounding community. The Planning Board finds that the Applicant is complying with the Development Guideline 5.c) and the binding element by dedicating a 0.57-acre parcel (Parcel M) on the northeast corner of the site to the

County for future public recreation use and, if necessary, amending the Development Plan as required by Condition 2 herein.

2. *The Site Plan meets all of the requirements of the MXPD zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements and development standards of the MXPD Zone. The Site Plan is below the maximum residential and commercial densities allowed by the zone and also conforms to the density recommendations in the Master Plan. With respect to green area, the Site Plan is above the minimum requirements of the zone for the commercial and residential portions of the development. The Site Plan qualifies for Mixed Use parking credit under 59-E-3.1. As a result, the number of required parking spaces is 3,005. The Site Plan proposes a maximum of 3,162 parking spaces, of which 100 are located at-grade and the remainder are located within parking structures. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

| Development Standards | Approved by the Planning Board and Binding on the Applicant |
|---|--|
| Gross Tract Area (GTA) (acres) | 30.17 (1,314,205 SF) |
| Density | |
| Commercial (GSF) | <u>759,900</u> |
| - Office | 549,900 |
| - Retail/restaurant | 210,000 |
| Entertainment (GSF) | 90,000 |
| Community center (GSF) | Dedicate 0.57 ac parcel ^(a) |
| Institutional (GSF) | |
| Residential (D.U.s) | |
| - Multi-family | 161 ^(b) |
| - MPDUs | 44 ^(c) |
| Hotel (GSF) | 200,000 ^(d) |
| - Rooms | 200 |
| Max. Residential Uses (% of GTA) 59-C-7.52(a)(4) | 33.9 ^(e) |
| Max. Residential Density (d.u./ac.) 59-C-7.53(a) | 23.4 ^(f) |
| Max. Retail Uses (% of commercial uses) 59-C-7.52(b)(2) | 20 |
| Max. Commercial/ Industrial Density (FAR) | 0.33 ^(g) |

| | |
|---|-----------------------------------|
| 59-C-7.54 | |
| Max. Building Height (ft) | |
| Building 1 | 249.5 |
| Building 2 | 272.0 |
| Building 3 | 39.0 |
| Building 4 | 87.5 |
| Building 5 | 33.0 |
| Building 6A | 35.5 |
| Building 6B | 29.0 |
| Building 6C | 26.0 |
| Building 7 | 179.0 |
| Building 8 | 32.0 |
| Building 9A/B | 71.0 |
| Building 9C | 75.0 |
| Min. Green Area (% of GTA) 59-C-7.56 | |
| - Residential | 86.8 (15.71 acres) ^(h) |
| - Commercial/industrial | 54.7 (6.2 acres) |
| - Overall total | (21.9 acres) |
| Min. Building Setbacks (ft) | |
| - From private streets | 0 |
| - From County Roads | 22 |
| Max. Parking Spaces | 3,162 ⁽ⁱ⁾ |
| Min. Handicap Spaces | |
| - Van spaces | 21 |
| - Regular | 50 |
| Min. Bicycle spaces (59-E-2.3(a)) | 93 ⁽ⁱ⁾ |
| Min. Motorcycle spaces (59-E-2.3(d)) | 46 ⁽ⁱ⁾ |

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

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

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

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

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

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

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

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

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

- (i) Calculated at one bicycle space per 20 vehicle spaces, up to 20 spaces per facility per 59-E-2.3(a).
- (ii) Motorcycle spaces calculated at 2% of vehicle spaces, up to 10 spaces per facility per 59-E-2.3(d).
- (iii) The Site Plan exceeds the minimum parking requirement of 3,005 spaces, which takes into account a mixed-use parking credit per Section 59-E-3.1, calculated as follows:

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

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

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

a. Buildings and Structures (as shown on Attachment A)

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

The proposed grid is generally oriented in a north-south and east-west direction with the apex on Main Street and the area enclosed by Streets "H" and "G", referred to as the "Plazas corridor." Both Main Street and the Plazas corridor are lined with ground floor retail uses, which help to activate the pedestrian realm. Buildings 5 and 8, fronting on the south side of Main Street, are single-story retail buildings (heights 33 and 32 feet, respectively) and setback from Rock Spring Drive to accommodate an easement for the North Bethesda Transitway along the entire frontage.

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

Along the Plazas corridor, small 1-story pavilions (Buildings 6A, 6B and 6C) include retail uses and restaurants with outdoor seating that take advantage of the plazas and amenities provided. Buildings 1 and 2 with the respective heights of 249.5 feet and 272 feet front onto West Street, which will run parallel to Rockledge Drive. These buildings include ground level retail, several stories of parking and several stories of office space. Building 3 with ground floor retail and below grade entertainment serves as a terminus for the Plazas corridor.

The multi-family residential buildings (9A/9B and 9C) front onto East Street and provide a linkage to the existing multi-family buildings along the

northern edge of the Rock Spring site. The residential buildings with a combined total of 161 units, including 44 MPDUs, have 2 levels of parking and 4 levels of residential units for a total height of 71 and 75 feet.

Overall, building locations and massing take into consideration existing environmental features, solar orientation, and visibility from abutting streets. The building heights are consistent with the "mix of building heights" recommended in the Sector Plan and the massing is consistent with the Sector Plan recommendation to "locate the high buildings on the central park or at the southwest corner of the site, with the highest buildings on the northeast-southwest axis" (p.105).

Building Program

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

* One story below grade

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

*** 4 Levels residential above 2 levels of parking

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

In order to achieve the density and mix of uses envisioned by the Master Plan for this location, structured parking is appropriate and adequate to meet the parking needs of this development. With the conditions of approval, concerns with regard to the high visibility of the above grade parking garage structures have been addressed.

b. Open Spaces

The open spaces provided are safe, adequate, and efficient. The main area of open space runs diagonally across the center of the site, overlapping with the environmentally sensitive areas. Although this area will be available as an amenity for the residents, workers, and visitors, it will not have trails, paths or lighting to avoid disturbance of the natural systems. Within the project the main

open spaces provided are urban in nature and are intimately related to the proposed retail and restaurant uses. Most open spaces along the Plazas corridor have benches, tables and chairs. In addition, the Plaza between Building 6C and Rock Spring Drive has a multi-level cascading fountain which provides a backdrop for the plaza and adequately buffers the noise from Rock Spring Drive. The Plaza at the entrance to the movie theaters (Building 3) adequately functions as a gathering place with seating provided. The open space between the two residential buildings accommodates the playground area in addition to providing a well designed grassy area with benches for residents and visitors. Spatially, this space will be a partial foreground for the Estate House and, as such, view sheds were maximized.

c. Landscaping and Lighting

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

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

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

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

d. Recreation Facilities

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

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

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

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

e. Vehicular and Pedestrian Circulation

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

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

Main Street will be the primary retail street with on-street parking on both sides. Only Buildings 5 and 8 will have access to the respective loading areas off Main Street. West Street connects to Main Street and continues on-street parking on both sides, except for parking garage entrances and loading access points. Buildings 1 and 2 have co-joined their respective parking garage entrances and loading areas at the same location with access off West Street. Building 4 has loading access off West Street. North Street abuts the forest preserve area and provides access for the loading and parking garage of Building 7. North Street also provides access to the parking garage of Building 4 and includes a reserved area for drop-off to the movie theater. East Street provides access to the parking garages of the two residential buildings and has on-street parking along Building 7.

Pedestrian access to the site is accommodated via a sidewalk along the Rockledge Drive frontage, a Class I bikeway/shared use path along the Rock Spring Drive frontage, and sidewalks on all new private streets. In addition to the

vehicular access points, pedestrians can also access the site at the intersection of Rockledge and Rock Spring Drives and at a mid-block location along Rock Spring Drive where the central plaza is located. A pedestrian mid-block crossing will be provided on Rock Spring Drive between the Walter Johnson High School and the site at a location agreed by several agencies, including MCDOT, MCDPS, MCPS, Walter Johnson High School, as well as Staff and the Applicant. Several improvements along Rock Spring Drive including a median with fence and landscaping will be added to maximize pedestrian (especially student) safety at this mid-block location.

Within the site, Main Street and the Plazas Corridor will be the main pedestrian destination. The majority of the retail entrances and outdoor amenity spaces are located here. Sidewalks are wider (approximately 20 feet) to facilitate pedestrian movement. The area between Buildings 4 and 7, including Streets H and G, is paved with unit pavers, which unify this area as the center/core of the development while giving emphasis to the pedestrian. Along North Street and a portion of East Street, the sidewalk abuts the edge of the natural preserve which allows this protected area to be better appreciated.

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

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

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

The massing and height of the residential buildings took into consideration the proximity to the estate house and the residential neighborhoods across Old Georgetown Road to the east. Proposing heights ranging between 71 and 75 feet and dividing the massing into two separate buildings with an open space in between helps to create a compatible relationship with the estate house and the existing residential neighborhoods to the east. Additionally, the massing and height of the residential buildings is consistent with the Sector Plan recommendations to "reduce heights and visibility of structures to Luxmanor by

stepping down buildings heights towards Luxmanor and by including appropriate screening and architectural treatment to break up massing” (p.105).

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

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

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

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

This Application requires a variance to the Forest Conservation Law, granted under the provisions of Section 22A-21, because this portion of the overall site did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009, and it proposes to remove and/or impact 14 trees greater than 30 inches DBH. The Applicant has requested a variance to remove the trees, which was granted in the Planning Board approval of Preliminary Plan No. 11998092B.

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

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 30 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

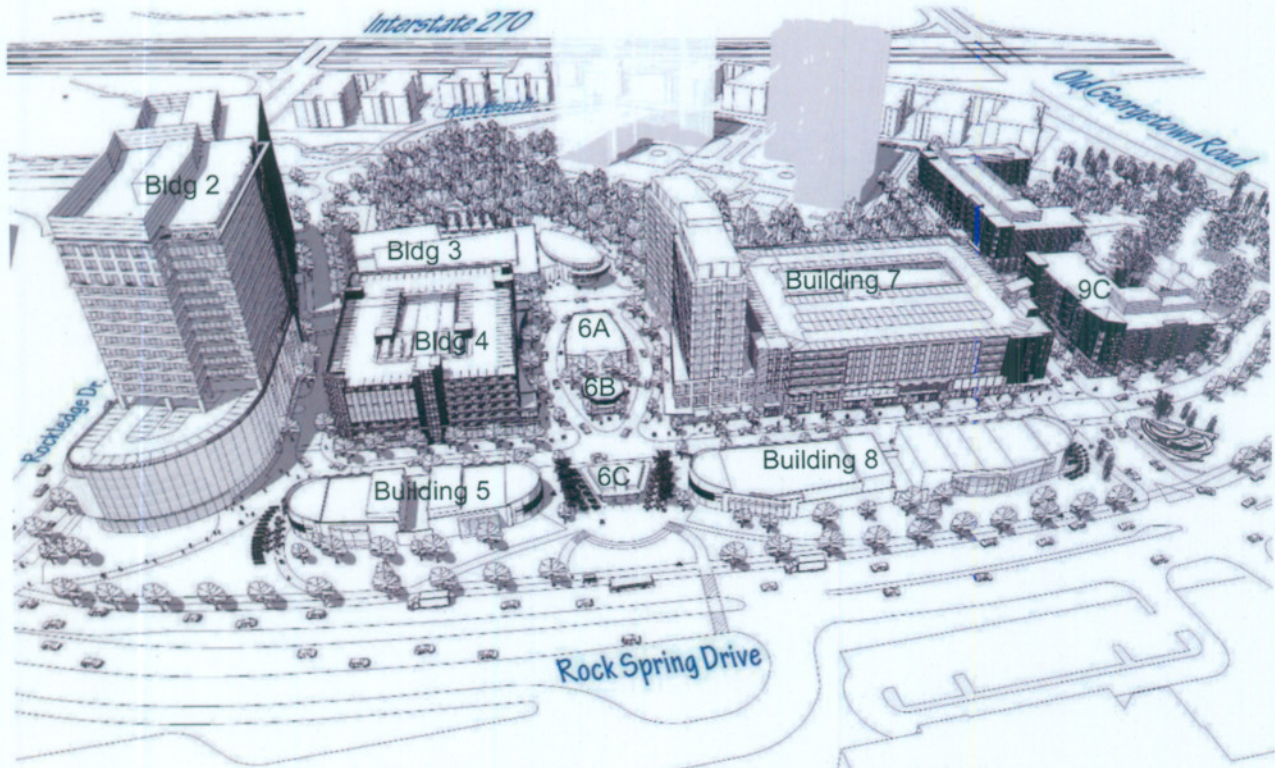
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by

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Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Alfandre absent, at its regular meeting held on Thursday, March 17, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board



Illustrative perspective rendering looking North



Illustrative Plan