

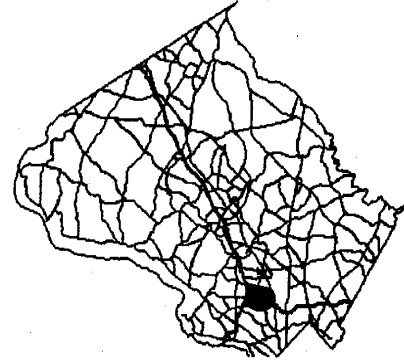


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 13
MCPB 11-20-03

MEMORANDUM

DATE: November 14, 2003
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Michael Ma, Supervisor *Ma*
Development Review Division
(301) 495-4523



REVIEW TYPE: Site Plan Review
CASE #: 8-03036
PROJECT NAME: Rock Spring Center
APPLYING FOR: Approval of a 351-unit residential high-rise building, a clubhouse and associated underground parking

ZONE: MXPD (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: May 2, 2003
HEARING DATE: November 20, 2003

STAFF RECOMMENDATION: Approval of 351 multi-family dwelling units including 64 moderately priced dwelling units (MPDUs) with the following conditions:

1. Transportation

Provide bike racks conveniently located on the site to support use of the Class I bikeway within close proximity of the site and to assist in achieving and maintaining the Trip Reduction Goals of North Bethesda Transportation Management District (TMD).

2. Environmental Planning

The proposed development shall comply with all conditions for final forest conservation plan approval. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits.

- a. Submittal of financial security to M-NCPPC for afforestation prior to clearing or grading.

- b. Record plat to show Category one forest conservation easement. Any amended language from the standard easement must be approved by M-NCPPC staff prior to recording plats.
- c. Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.

3. Department of Permitting Services

The proposed development is subject to Stormwater Management Concept approval conditions dated May 22, 2003.

4. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 64 MPDUs.

5. Pedestrian Circulation

- a. Provide pedestrian crosswalks using special paving at the two proposed driveway entrances on Rock Forest Drive.
- b. Provide a minimum 5-foot clearance for the internal pedestrian pathway system to ensure safe and convenient pedestrian circulation.
- c. Extend the proposed sidewalk along the east boundary of the site southwards and connect the sidewalk with the proposed future pathway near the southeastern corner of the site.

6. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement including Development Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

Development Program 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 each phase of the development.
- c. Landscaping and outdoor lighting shall be completed as construction of the facility is completed.
- d. Clearing and grading to correspond to the construction phasing, to minimize soil erosion and forest loss.
- e. Coordination of each section of the development and roads.
- f. Phasing of stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.

7. Clearing and Grading

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

8. 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. Limits of disturbance.
- b. Methods and locations of tree protection per recommendations of an ISA certified arborist.
- 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 Opinion.
- f. Additional plant materials between the proposed retaining walls and the southern boundary of the site to screen the view of the walls.
- g. MPDU information for the subject site and the entire Rock Spring Center development.
- h. Provide handicapped parking spaces near the proposed club house entrance.
- i. Show bus stop location(s) and provide bus shelter(s).
- j. Grading information.
- k. Coordinate the proposed streetscape, including street lights, along the Rock Forest Drive frontage with the existing streetscape on the opposite side of the street.
- l. Provide sidewalk lighting along the east side of the proposed high-rise building.
- m. Revise lighting plan to achieve average max/min ratio of 5:1.
- n. Bike racks location and details.

SITE PLAN REVIEW ISSUES

I. Moderately Priced Dwelling Units (MPDUs)

The subject development is part of a larger 53.4-acre, MXPB zoned, mixed-use development known as Rock Spring Center. The Center will contain residential, retail, office, entertainment, institutional, and community center uses. The residential component of the Center, as established by Zoning Application G-713, will consist of 1,250 dwelling units including 226 MPDUs. The required number of MPDUs (226) is based on the maximum 22 percent density bonus granted to the development (22 percent of the base density 1,024). In the MXPB zone, all of the bonus units must be MPDUs.

The first residential development within the Center was developed by Avalon Bay Communities in the northern portion of the Center along the east spur of I-270. It consists of 390 garden apartment units, including 71 MPDUs. The number of MPDUs (71 or 18 percent of the total 390 units) represents this apartment development's fair share of the MPDU requirement for the entire Center (226 MPDUs for the entire Center are about 18 percent of the total 1,250 units.)

Required MPDUs: Based on the proposed number of units (351), the subject plan should provide 64 MPDUs (18 percent of 351).

Applicant Position: The applicant is not planning to provide all of the required MPDUs in this high-rise residential development. The applicant has been working with the Department of Housing and Community Affairs (DHCA) regarding the provision of MPDUs in accordance with Section 25A-5(e). A formal letter from DHCA on this matter has not been issued at the writing of this report.

Staff Recommendation: To ensure even distribution and timely delivery of the required MPDUs throughout the entire Center, the proposed development should provide its fair share of MPDUs, 64 units. Staff understands that all these units may not be provided on-site if DHCA agrees with the applicant on an alternative arrangement, such as a combination of on-site units and fee-in-lieu. Staff, however, does not support delaying some of the required MPDUs for this development to later phases without adequate assurance that those delayed units will be delivered in a timely manner.

II. Pedestrian Circulation

The proposed project is planned as a luxury high-rise residential development with its own indoor and outdoor amenities. The main building is set back 50 feet from the street. The main plaza level of the development is about 4 to 8 feet higher than the street and 9 to 16 feet higher than the green space behind the plaza. 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 east boundary of the site between Rock Forest Drive and the building's lobby exit doors on the its east side.

Applicant Position: The applicant would like to minimize the possibility that outside people might walk through this development to either use their facilities or go to other places in the Center, such as the central green space and retail stores.

Staff Recommendation:

1. The proposed sidewalk along the east side of the building should be extended southwards to the southeastern corner of the site and connect with the future pathway system leading to the retail section of Rock Spring Center and the central green space.
2. 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.

Justifications:

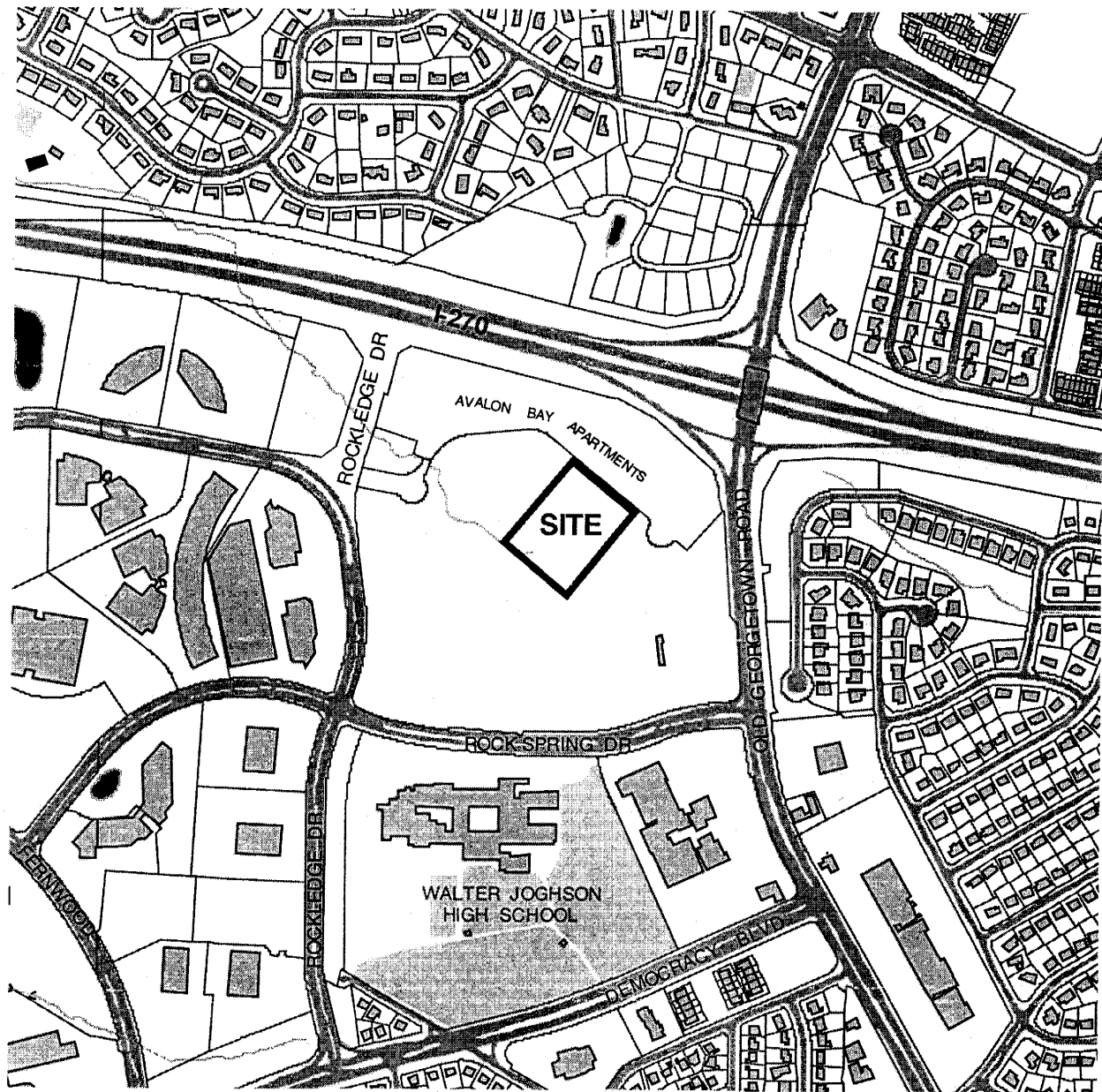
1. The MXPDP zone was granted to the property so that Rock Spring Park would create an urban village that would be "*a more pedestrian friendly, transit serviceable environment for housing and retail on the Davis parcel to link to the offices in the remainder of the Park*". (p. 102, the 1992 *North Bethesda/Garrett Park Master Plan*).
2. The approved Development Plan for the entire Center shows a comprehensive pedestrian system throughout the entire Center linking various uses together with a number of binding elements guiding future development in the Center.
3. Two of the objectives of the MXPDP zone address land use integration and pedestrian circulation connectivity issues:
 - (c) *To provide, where appropriate, higher density residential uses integrated into the overall multi-use center.*
 - (g) *To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities.*

The subject development should be planned as an integral part of the Center instead of an isolated enclave. The design of the project should encourage residents to walk to various places and amenities offered by the Center.

PROJECT DESCRIPTION: Site Vicinity

The subject 3.09-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 surrounded by the undeveloped portions of the Center to the east, south, and west. Across Rock Forest Drive from the site is the existing apartment complex.



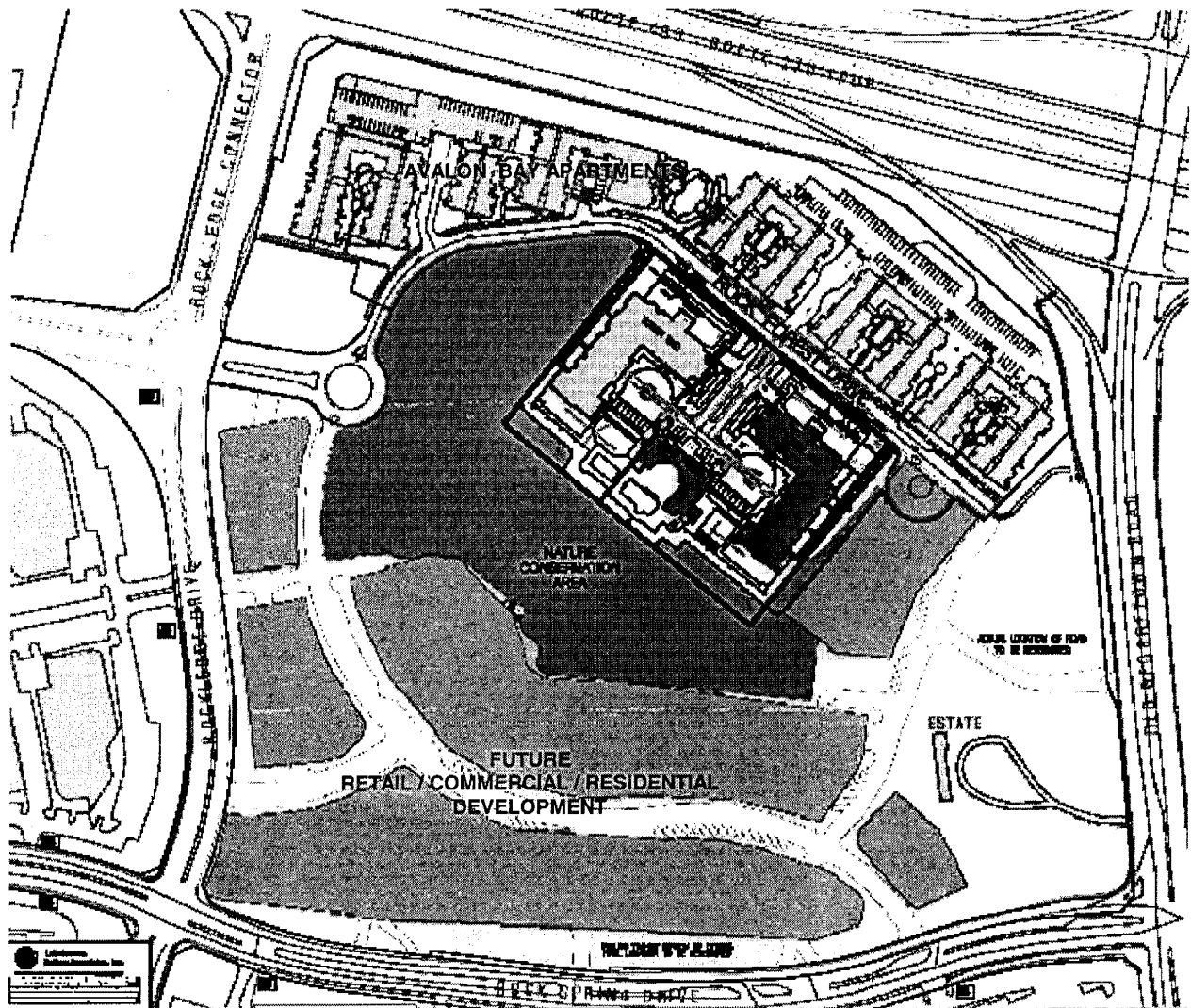
PROJECT DESCRIPTION: Site Description

The subject site consists of 3.09 acres of MXPZ zoned land. The topography of the site slopes down gently from northeast to southwest approximately 20 feet. The site is vegetated generally with mixed hardwood forest and associated understory. The forest contains green ash, white oak, and tulip poplar including 12 trees greater than 24 inches in diameter. An intermittent stream and stream valley corridor runs diagonally through the center portion of the 53-acre Center and borders the subject site to the southwest.



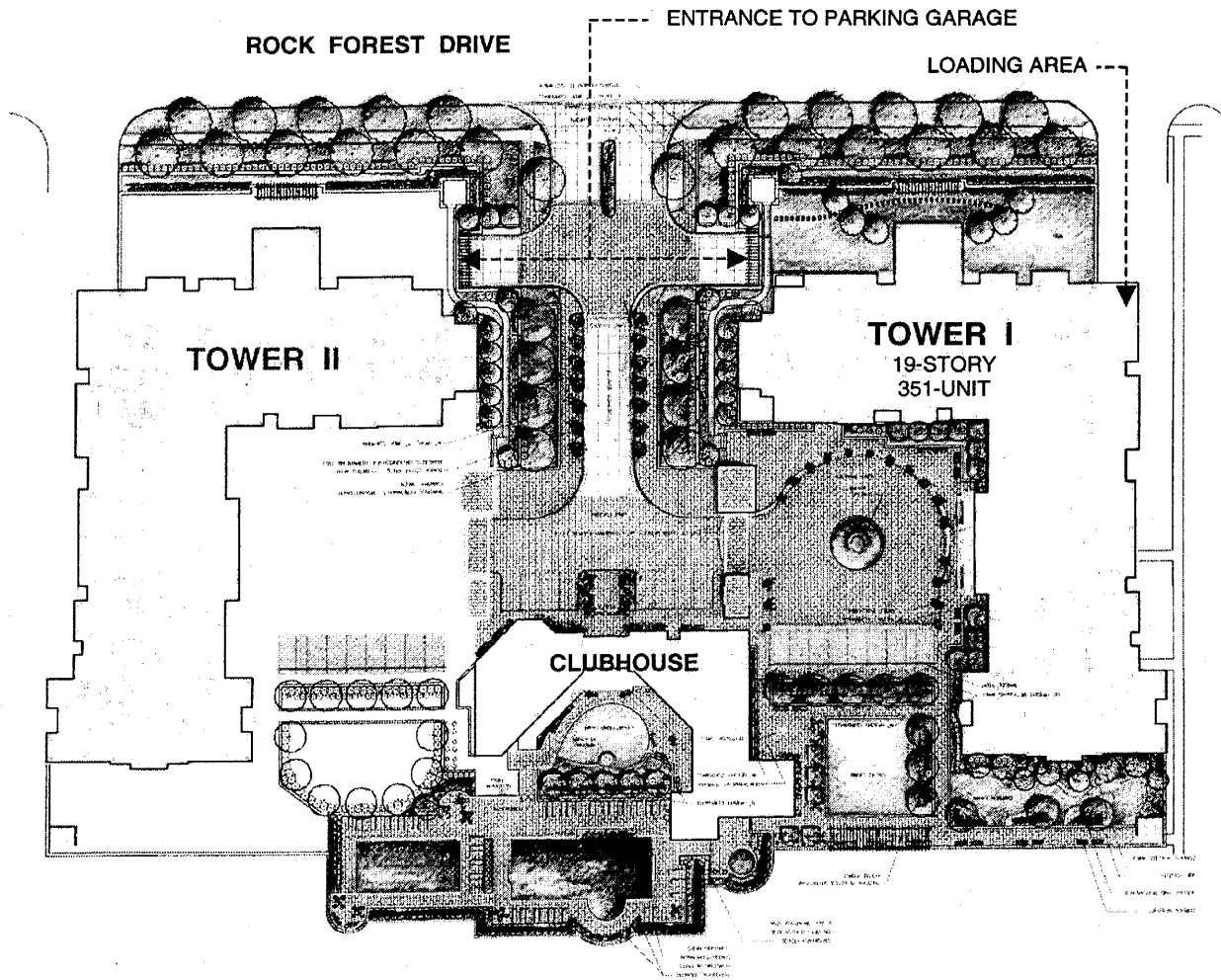
PROJECT DESCRIPTION: Proposal

Rock Spring Center is planned as a 53.4-acre, mixed-use development containing residential, retail, office, entertainment, institutional, and community center uses. 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. The remaining portions of the Center will be developed by Penrose Development Company, the applicant of the subject application.

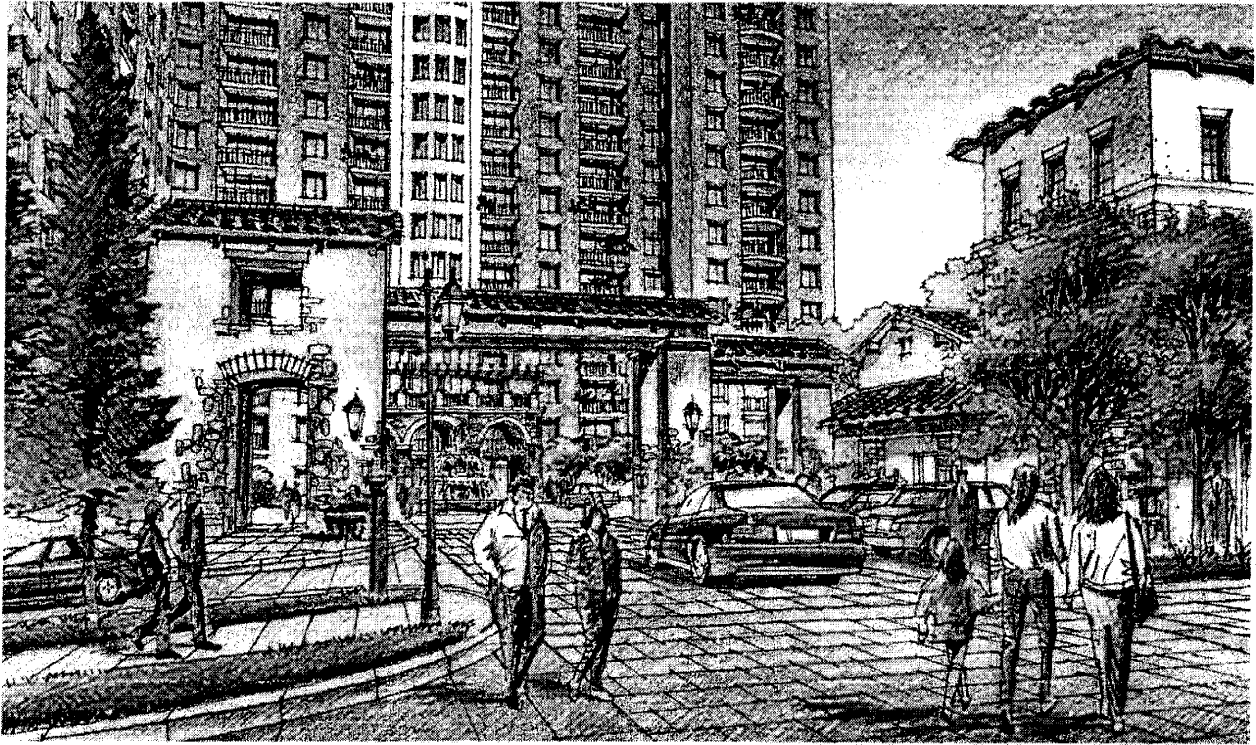


The subject application (colored in red) is for the first phase of the high-rise residential component of the Center. The entire high-rise development will consist of 702 units in two 19-story buildings, a two-story clubhouse and a 3-level underground parking garage. The subject site plan covers one 19-story building (351 units), the 2-story clubhouse and part of the 3-level underground parking garage. The second building (351 units) and its associated open space and parking will be built in the second phase of the project. The remaining portions of the center (colored in orange) 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 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 eastwards into a drop-off court, which is formed by the clubhouse and the L-shaped high-rise building and will be paved with special pavers. A fountain will be located at the center of the court as a focal point. Landscaped green space and lawn areas are proposed between the court and the southern boundary of the development. A separate driveway to the loading area is proposed at the northeastern corner of the site.



The proposed high-rise building is set back 50 feet from the street. The elevation difference between the building's ground floor and the street varies from 3.5 feet to near 8 feet. 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. The leasing office will be located on the upper level of the clubhouse.



VIEW TOWARD THE INTERNAL COURTYARD WITH THE CLUBHOUSE ON THE RIGHT



VIEW OF THE REAR OF THE DEVELOPMENT FROM THE CENTRAL GREEN
THE PROPOSED FIRST TOWER IS ON THE RIGHT
BETWEEN THE TWO TOWERS IS THE 2-STORY CLUBHOUSE



VIEW FROM ROCK FOREST DRIVE

PROJECT DESCRIPTION: Prior Approvals

Zoning Application G-713

The subject property was rezoned from the R-H zone to the MXPD zone by the District Council on April 29, 1997. A copy of Council Resolution (13-865) is attached. 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. 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. 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

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.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (MXPD Zone)

| Development Standard | Permitted/ Required | Proposed |
|-------------------------------------|------------------------|----------------|
| Min. Tract Area (ac.): | | 3.09 |
| Max. Residential Density (d.u./ac.) | 44 ¹ | 116.6 |
| Number of Dwelling Unit | | |
| 1-bedroom | | 172 |
| 2-bedroom | | 165 |
| 3-bedroom | | <u>14</u> |
| Total | | 351 |
| MPDU | 64 ² | ? ³ |
| Building Setbacks (ft.) | | |
| from detached homes | 100 | 550 |
| from street | -- | 50 |
| Green Area (%) | 50 | 56 |
| Building Height (story): | 22 | 19 (190 feet) |
| Parking Spaces | | |
| 172 1-bedroom @ 1.25 sp | 215 | |
| 165 2-bedroom @ 1.5 sp | 248 | |
| 14 3-bedroom @ 2.0 sp | <u>28</u> | |
| Total | 491 | 591 |

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. the number of MPDUs allocated to this 351-unit development is based on a total of 226 MPDUs required for 1,250 residential units proposed for the entire Center.
3. the proposed plan does not show the number of MPDUs to be provided by this development.

RECREATION CALCULATIONS

| | Tots | Children | Teens | Adults | Seniors |
|-------------------------------------|-------|----------|-------|--------|---------|
| Demand Points | | | | | |
| For 351 high-rise units | 14.00 | 14.00 | 14.00 | 270.00 | 161.50 |
| Supply Points | | | | | |
| Pedestrian System | 1.40 | 2.80 | 2.80 | 121.6 | 72.70 |
| Picnic/Sitting Area (6) | 6.00 | 6.00 | 9.00 | 30.00 | 12.00 |
| Swimming Pool (1) ¹ | 0.77 | 2.80 | 2.90 | 67.60 | 24.20 |
| Indoor Community Space ¹ | 1.40 | 2.10 | 4.20 | 81.10 | 64.60 |
| Indoor Exercise Room ¹ | 1.40 | 1.40 | 4.20 | 81.10 | 64.60 |

| | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|
| Indoor Fitness Facilities ¹ | 0.00 | 1.40 | 1.40 | 54.10 | 24.20 |
| Open Play Area II (1) | 3.00 | 4.00 | 4.00 | 10.00 | 1.00 |
| Total Supply Points | 13.97 | 20.50 | 28.50 | 445.5 | 262.9 |

1. facility to be used by residents in Phases I and II.

ANALYSIS:

Conformance to Master Plan

Rock Spring Park is located in the *North Bethesda/Garrett Park Master Plan* (1992). The proposed residential project is located on Parcel 20 in the northeast quadrant of Rock Spring Park on the Davis parcel zoned MXPDP. A residential tower and a clubhouse are proposed on the site.

The Master Plan requires the first phase of Rock Spring Park development to have a significant residential component. The proposed Residential Tower is confirmed as being in the first phase of the approved development plan. In order for the proposal to further meet the guidelines in the Master Plan, the application must be improved in the following areas:

1. Provide additional streetscape and landscape coordination for the entire Rock Spring site.
2. Provide the recommended MPDUs (22 percent) in the Plan.
3. Designate land for the community center.

In addition, the application should be modified to conform to the purpose of the MXPDP zone. The zone was granted so that Rock Spring Park would create an urban village that would be “a more pedestrian friendly, transit serviceable environment for housing and retail on the Davis parcel to link to the offices in the remainder of the Park”. (p. 102). The proposed plan should be modified to meet the “pedestrian friendly” zoning objective as described in the following paragraphs:

1. The sidewalk widths along the main drive should be increased. A minimum 5-foot clearance (ADA requirements) must be maintained through the project. The proposed planters will obstruct pedestrian movements on the planned 4-foot sidewalks along the driveway. Removing the planters along the main drive aisle and moving the tree pits to the inside the sidewalk would provide for more acceptable pedestrian movement space.
2. Pedestrian crosswalks should be defined using special paving along Rock Forest Drive, including the loading area.

Community-based Planning staff finds that the proposal should be modified in accordance with abovementioned recommendations in order to meet the guidelines in the Master Plan and the intentions of the MXPDP Zone.

Transportation Planning

This site is within the boundary of the North Bethesda TMD. The applicant was required as a condition of preliminary plan approval to participate with the North Bethesda TMO to assist the

North Bethesda TMD in achieving and maintaining its 39% non-driver traffic mitigation goal for Stage II of the Master Plan development. The applicant is required to participate in the North Bethesda TMO.

Forest Conservation

The original 53.4-acre Davis-Camaliere tract was reviewed for forest conservation as part of the MXPDP 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. The subject site plan covers 3.07 acres of overall 53.4-acre site.

Stream Buffers

The subject plan proposes encroachment into the forested stream buffer of approximately 0.53 acres, some of which was agreed to in earlier approvals. Specially, a wetland finger extends in an easterly direction up from the main forest area. Staff accepted the argument that preservation of a sustainable wetland area and its buffer would be questionable given the intensity and proximity of surrounding development, and may preclude high-rise development on this site as anticipated in the original development plan approval. If appropriate wetland permits could be secured (Wetland Permit #98-NT-0702/199961042 approved, effective 4/17/01), staff would concur with this limited encroachment. Additional forested area just outside and adjoining the stream buffer has been preserved in partial compensation.

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 MXPDP 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 subject site plan proposes a 19-story, 351-unit residential building, a 2-story clubhouse and a 3-level underground parking garage. The high-rise building will be set back 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 proposed clubhouse and the tower form a drop-off court.

b. **Open Spaces**

The plan proposed 1.73 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 table above. 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 eastwards into a drop-off court, which is formed by the clubhouse and the L-shaped high-rise building and will be paved with special pavers. 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 east boundary of the site between Rock Forest Drive and the building's lobby exit doors on the its east side. This sidewalk should be extended southwards to the southeastern corner of the site and connect with the future pathway system leading to the retail section of Rock Spring Center through the central green space. In addition, 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 clubhouse and 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. Council Resolution 13-865**
- B. Council Resolution 13-1442**
- C. Planning Board opinion for Preliminary Plan 1-98092**