



Committee: Directly to Council
Staff: Jeffrey L. Zyontz, Senior Legislative Analyst
Purpose: Final action – vote expected
Keywords: #LMA H-135, #Marriot

AGENDA ITEM 4
June 9, 2020
Action

SUBJECT

Local Map Amendment (LMA) H-135

EXPECTED ATTENDEES

Lynn Robeson Hannan, Hearing Examiner

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Approve, disapprove, or remand the Hearing Examiner's recommendation to approve Local Map Amendment H-135

DESCRIPTION/ISSUE

Local Map Amendment H-135; an Amendment to the Zoning Map to rezone 33.64 acres of property located at 10400 Fernwood Road, Bethesda, from CR-1.5 (Commercial/Residential zone), C-0.75, R-0.75, H-150 to CRF-1.5 (Commercial/Residential Floating zone), C-0.75, R-1.5, H-150. The requested zone would not change the maximum density or the maximum building height. Unless limited by binding elements, the zone would allow an all residential project to be approved at the maximum density.

SUMMARY OF KEY DISCUSSION POINTS

This LMA is for the current site of Marriot Corporation's International Headquarters. The applicant is seeking a residential care facility with up to 1,300 independent dwelling units, 210 assisted living/memory care units, and 50 skilled nursing units.

The District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with the coordinated and systematic development of the regional district. In particular, the application must 1) substantially conform with the recommendations of the applicable master plan and further the master plan's goals; 2) further the public interest; and 3) satisfy the intent and standards of the proposed zone.

The Planning Board, Planning Staff, and Hearing Examiner recommend approval.

This report contains:

Hearing Examiner Report and Recommendation
Draft Resolution

Pages

1-25
26-55

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**BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN
MONTGOMERY COUNTY, MARYLAND
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660
<https://montgomerycountymd.gov/ozah/>**

IN THE MATTER OF:

**ELP Bethesda at Rock Spring
Applicant**

Steven Montgomery
Carl Wilson
Timothy Hoffman
Trini M. Rodriguez

For the Application

Pat Harris, Esquire
Attorney for the Applicant

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OZAH Case No. LMA H-135

Before: Lynn Robeson Hannan, Hearing Examiner

HEARING EXAMINER'S REPORT AND RECOMMENDATION

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I. CASE SUMMARY

Applicant: ELP Bethesda at Rock Spring

LMA No. & Date of Filing: H-135, filed December 20, 2019.

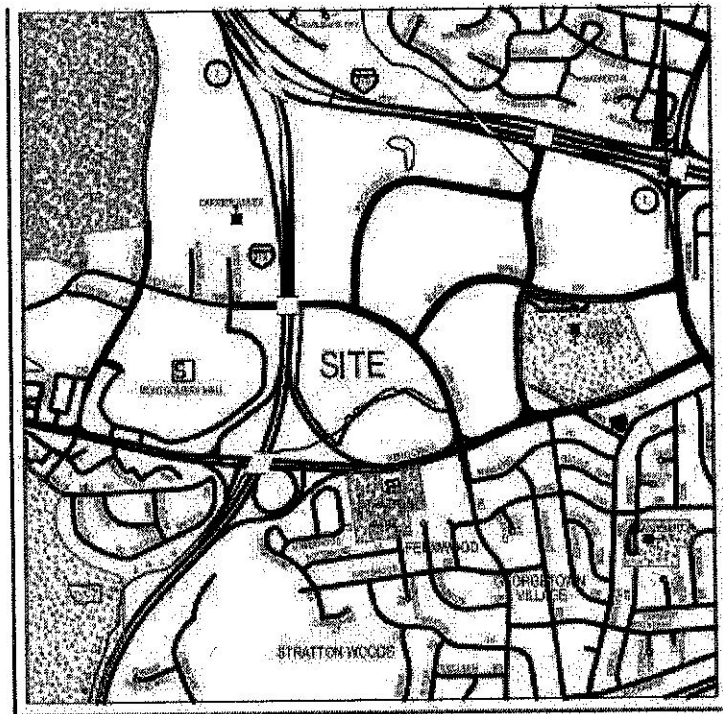
Current Zone: CR-1.5, C-0.75, R-0.75, H-150.

Current Use: Headquarters of Marriott International

Zoning Sought: CRF-1.5, C-0.75, R-1.5, H-150 (Commercial/Residential Neighborhood Zone).

Use Sought: Continuing care retirement community with up to 1,300 independent dwelling units, 210 assisted living/memory care units, and 50 skilled nursing units.

Location: 10400 Fernwood Road, Bethesda, MD on the southern and western sides of Fernwood Road east of the I-270 Spur



Acreage to be Rezoned: 33.64 acres +/- (Net Lot Area).

Density Permitted/Proposed: 1.5 FAR/1.5 FAR.

Open Space Required/Proposed: 10% Public Open Space (3.36 acres)/Approx. 30% (10 acres, including 1.5-acre park).

Maximum Building Height:	150 feet; no change from height permitted under existing zoning.
MPDUs:	15%, to be provided in accordance with law at the time of final plan approval).
Environmental Issues:	None; project reduces existing amount of impervious area in environmental buffer and will include stream restoration in future approvals.
Conformance with Master Plan:	Conforms with the Rock Spring Sector Plan, approved and adopted December 2017
Neighborhood Response:	No Opposition
Traffic Issues:	None
Planning Board Recommends:	Approval
Technical Staff Recommends:	Approval
Hearing Examiner Recommends:	Approval
District Council Votes Needed to Approve:	5

II. STATEMENT OF THE CASE

ELP Bethesda at Rock Spring LLC (ELP or Applicant) filed Local Map Amendment (LMA) Application No. H-135 on December 20, 2019. The application seeks to rezone approximately 33.64 acres of land from the CR-1.5, C-0.75, R-0.75, H-150 to the CRF (Commercial Residential Floating Zone) 1.5, C-0.75, R-1.5, H-150. Exhibit 2. The subject property is situated east of the I-270 Spur and south and west of Fernwood Road. Located at 10400 Fernwood Road, Bethesda, MD the property is further described as Rock Spring Center Pt. Pars 6 & 12 (Tax Acct. No. 04-01567726). Ex. 25.

ELP submitted a revised Floating Zone Plan (FZP) on March 3, 2020. Exhibit 42. On March 12, 2020, OZAH noticed a public hearing (Exhibit 49) scheduled for April 17, 2020. Staff of the Montgomery County Planning Department (Planning Staff or Staff) issued reports recommending approval of the LMA and the associated Preliminary Forest Conservation Plan (PFCP) on March 16, 2020. Exhibits 51, 52. At its meeting on March 26, 2020, the Planning Board recommended approval of the LMA and approved the PFCP. Exhibits 54, 55.

The public hearing proceeded as scheduled.¹ No one appeared in opposition to the application.

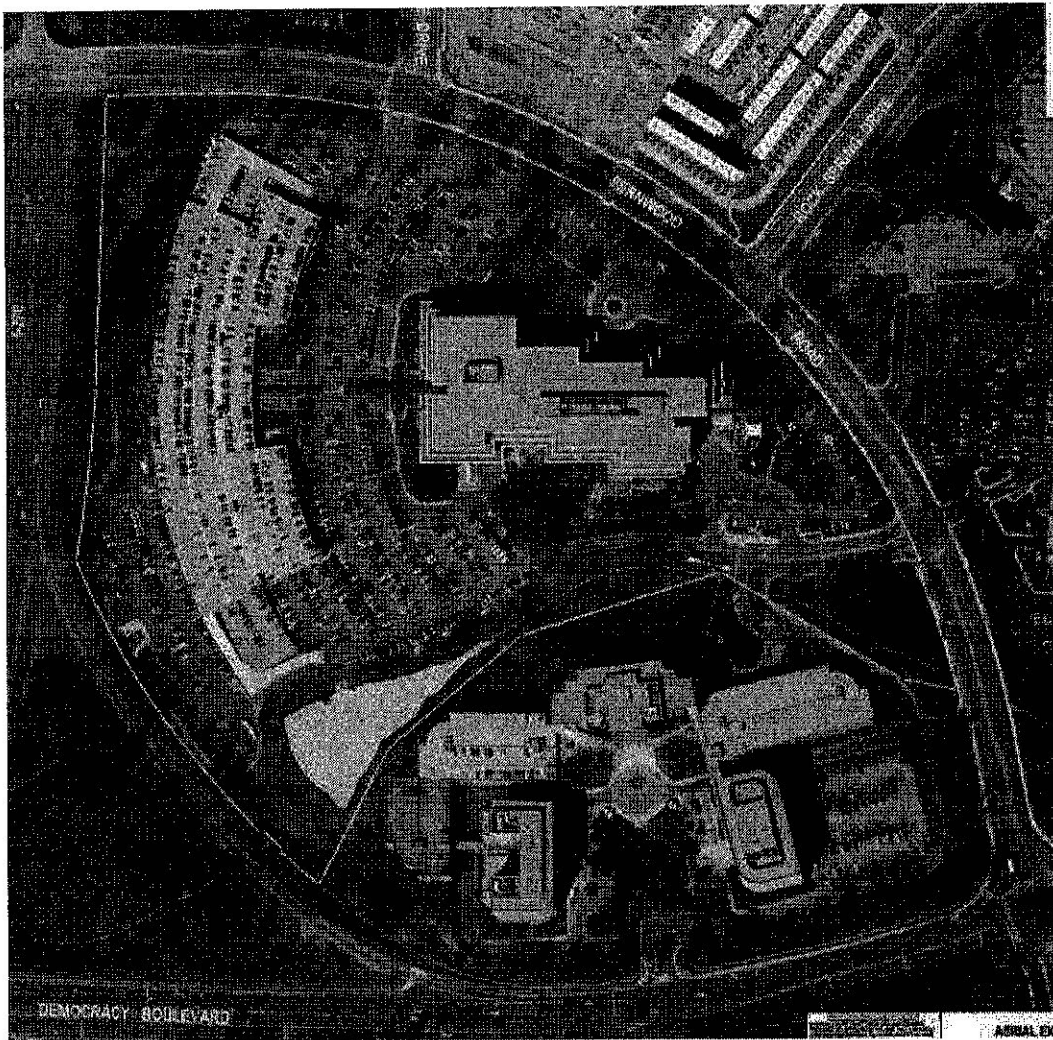
III. FACTUAL BACKGROUND

A. Subject Property

The subject property consists of a 33.64 (net) acres and is bounded on the west by the eastern leg of the I-270 spur, Fernwood Road on the north and east, and an office park (just north of Democracy Boulevard) to the south. Part of the Rock Spring Office Park, the property currently

¹ Due to the COVID-19 pandemic and the Governor of Maryland's Executive Orders prohibiting gatherings of more than 10 individuals, the public hearing was held remotely via Microsoft Teams. A link and phone number for the public to join the hearing were published on OZAH's website. Hearing exhibits were also published on OZAH's website prior to the hearing to permit the public to participate.

serves as the headquarters of Marriott International.² Existing improvements include a 775,000 square foot office building, surface parking and an above-ground garage. The Applicant provided an aerial photograph of existing development (Exhibit 16, below):



Staff advises that the Thomas Branch stream runs along the southern portion of the property with associated wetlands and floodplains. Some slopes exceeding 25% are located primarily in the southern and western parts of the site. While there are no forested areas, there are several specimen

² Marriott will be relocating to a new headquarters building in Bethesda. ELP currently owns the subject property. T. 12.

trees located on the property. Exhibit 52, p. 4.

B. Surrounding Area

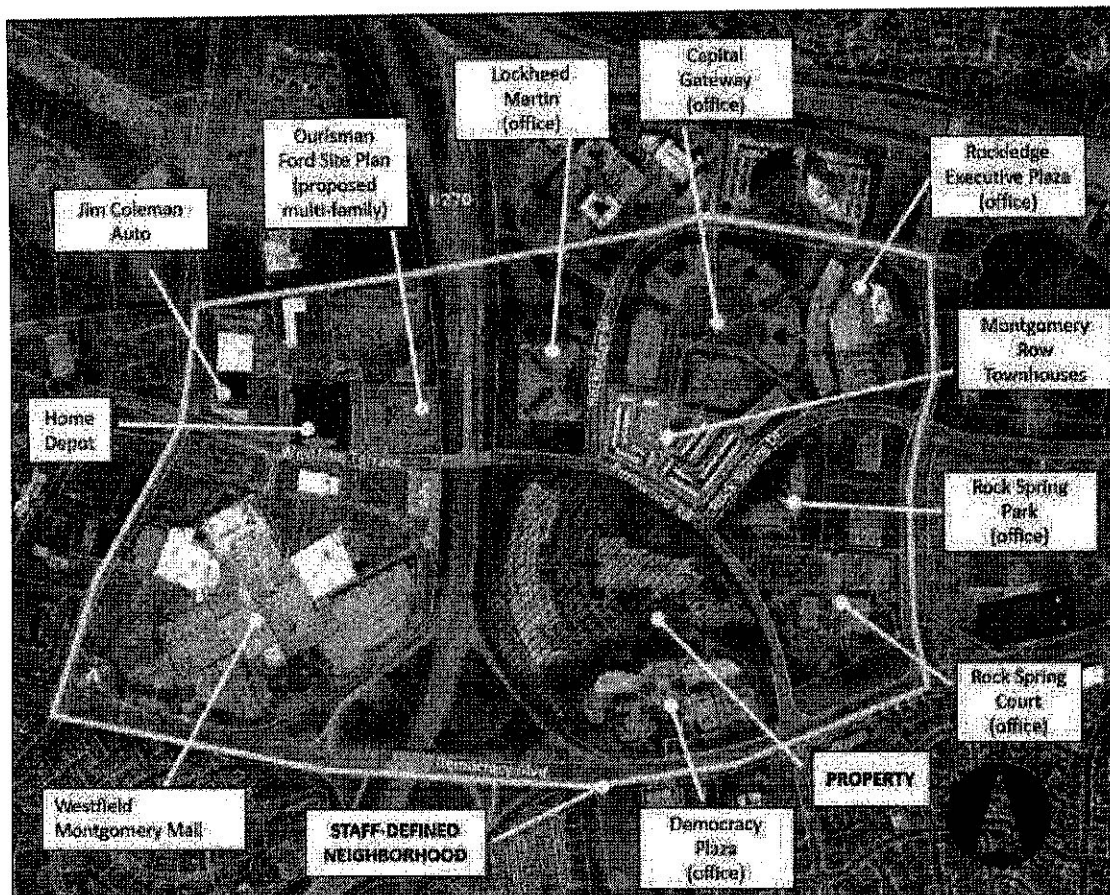
The surrounding area is typically identified in an application for a Floating Zone. The boundaries are defined by the properties that will experience the direct impacts of the use. This area is then characterized to determine whether the uses proposed will be compatible in character to those in the impacted area.

Staff and the Applicant agree that the surrounding area for the subject property is bounded by Rockledge Boulevard to the east, Rockledge Drive to the north, Westlake Drive to the west and Democracy Boulevard to the south. Exhibit 52, p. 3. Staff characterized the neighborhood as primarily commercial in character, including office buildings, Westfield Montgomery Mall, a hotel, a Home Depot and a car dealership. Exhibit 52, p. 3. It also includes one existing residential development, the Montgomery Row townhouse community, across the street from the Property on Fernwood Road. There are several approved but no yet constructed residential developments in the area: (1) a 343-unit multi-family at Westfield Montgomery Mall and (2) a 717-unit multi-family development on the former Ourisman Ford site. *Id.* The Staff Report includes an aerial photograph (Exhibit 52, p. 3, on the next page) showing the boundaries of the surrounding area.

The Applicant's expert in land planning, Ms. Trini Rodriguez, characterized the existing land uses in the surrounding area as heavily suburban/commercial. In her opinion, land uses in the surrounding area are gradually evolving into the mixed use, connected community envisioned by the Rock Spring Sector Plan. This is reflected by the recent residential developments that have been approved but not yet constructed. T. 33-34.

The Hearing Examiner accepts the delineation of the surrounding area proposed by Planning Staff and the Applicant. She agrees with the Applicant that the surrounding area is currently heavily suburban, with office and retail commercial uses but is gradually transitioning to the mixed use

concept envisioned by the Sector Plan as described later in this Report.



Surrounding Area
Exhibit 52, p. 3

C. The Applicant's Proposal

ELP is a subsidiary of Erikson Living Properties, which has developed, owned and operated continuing care retirement communities for 36 years. T. 12, 16. The facilities focus not just on housing, but the health and wellness of residents. T. 15. The average age of residents is in the low 80's; ELP designs campus-type facilities to reduce the need for cars. T. 16. There is a very strong demand for these facilities in this area, which drives the size of this community. T. 17.

The Applicant proposes to redevelop the property with a continuing care retirement community containing up to 1,300 independent living units, 210 assisted living/memory care units, and 50 skilled nursing units in six buildings. Exhibit 42. Except for the marketing center, which is

one story, the buildings will range in height between 7 and 13 stories. T. 39-40. ELP may develop up to 15,000 square feet of retail along Fernwood Road, although it is likely that the amount will be lower. T. 40. The project will provide the equivalent of 15% MPDUs, the minimum required. T. 9-10; *Montgomery County Code*, §25A-5(d)(1). The exact location and method of providing these units will be determined later in the development process.³ At full build-out, ELP expects to employ approximately 650 individuals. T. 19. Eighteen hundred parking spaces will be on-site, almost half of which will be underground. T. 41. ELP plans to retain part of the existing garage and add four-stories living space above it. T. 25-26.

The project will be developed in several phases that will occur with market demand. T. 22. The first phase will begin with the marketing center, which will open prior to construction. Two additional buildings of 170-180 independent living units will follow with associated amenities. T. 21-22. Phase II will bring the number of independent dwelling units to a total of approximately 600. Phase III will include assisted living/memory care and skilled nursing care. Phase IV will add the balance of independent living units. T. 20-25.

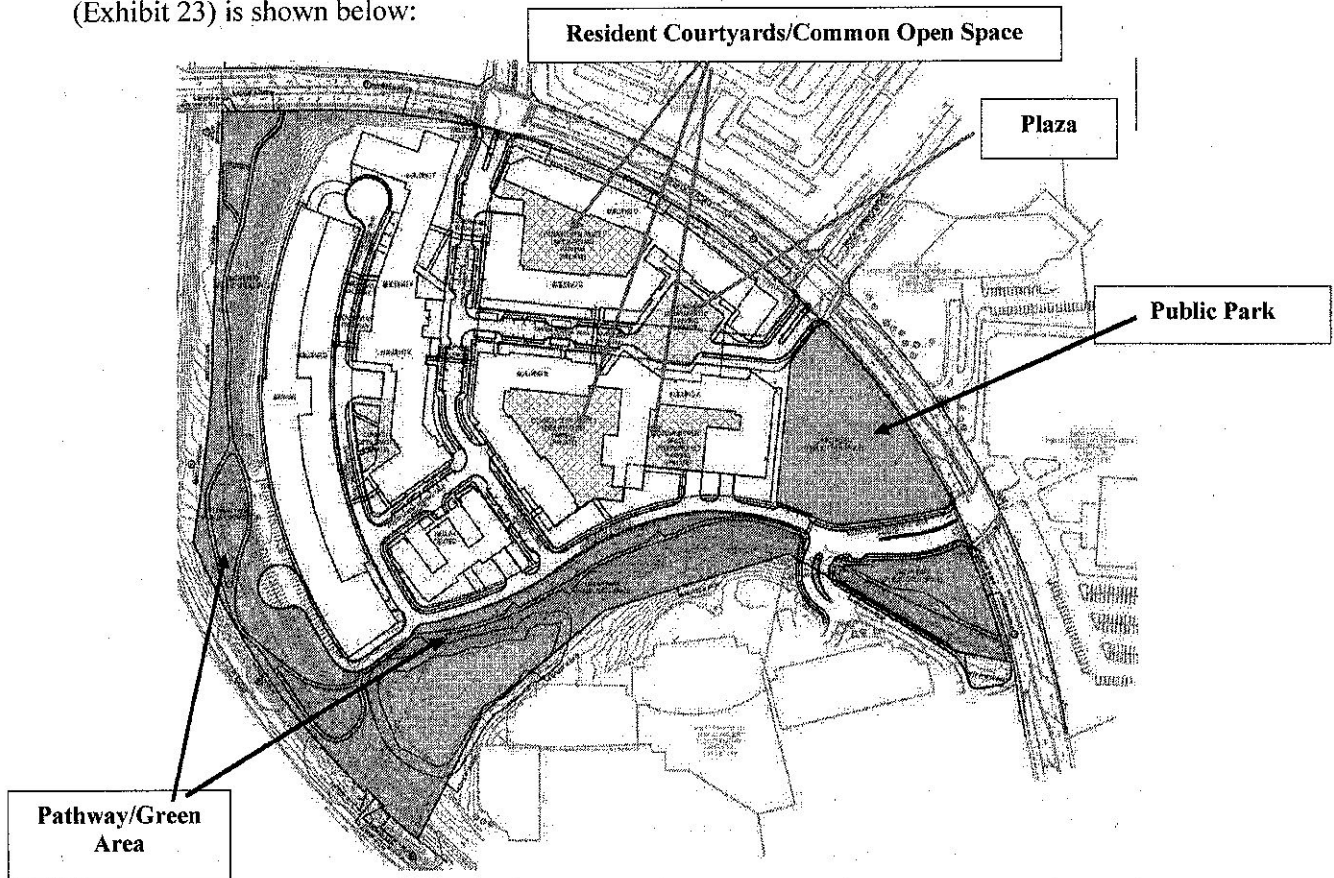
1. Floating Zone Plan

Under Zoning Ordinance §59-7.2.1.B.2.g., every application for rezoning to a Floating Zone must be accompanied by a "Floating Zone Plan" (FZP) that contains required information and often a list of "binding elements" that restrict future development of the property. The Applicants have submitted the required plan. Exhibit 42. An excerpt of the FZP showing the proposed building layouts, drive aisles, road reservations, and environmental areas is reproduced on the following pages. Except for "binding elements", the development layout shown on the FZP is illustrative and

³ The Planning Department is considering changes to the current MPDU law (Montgomery County Code, §25A-5(d)(1)) as it applies to continuing care retirement communities. ELP will provide the requisite number of MPDUs in accord with the law in effect at later (*i.e.*, sketch or preliminary plan) phases. Changes being considered include, without limitation, provision of off-site units and fees in lieu of actual housing units. T. 10.

may change in the future. An excerpt from the FZP showing the overall development (Exhibit 42) is shown on the following page.

Ms. Rodriguez testified that the interior streets are designed in a compact, urban “grid” pattern. There is a central plaza in the middle of the project and buildings wrap around several courtyards designed for use by residents. The compact configuration of buildings permits a “green necklace” of open space and streetscape improvements surrounding the project. According to Ms. Rodriguez the “green necklace” will have 8.5 acres of pathway around the west and south sides of the property culminating in a 1.5 acre public park located on the east side along Fernwood Road. The FZP proposes streetscape improvements and a “road diet” for Fernwood Road. A “road diet” eliminates unnecessary vehicular capacity and replaces it with enhanced streetscape and a bike path to encourage multi-modal rather than vehicular travel. T. 51. An excerpt from the open space plan (Exhibit 23) is shown below:





2. Binding Elements

The FZP includes three binding elements (Exhibit 42):

1. Provide 1.5 acres of contiguous open space along Fernwood Road, to be improved as a park.
2. Provide a minimum of 5,000 square feet of retail space.
3. Provide at least one major public facility that meets master plan guidance, as defined in Section 4.7.3.A of the Zoning Code, with details determined by the Planning Board at Sketch and Site Plan review.

D. Environment

The Thomas Branch stream and associated wetlands and environmental buffer run along the southern property boundary. Currently, approximately 1.2 acres of impervious area (including the southern entrance, an access road, and a bridge into the property to the south) encroach into the stream valley buffer. While the access to the southern property must remain, the portion west of the bridge has been removed from the stream valley. This will reduce the encroachment into the buffer to approximately ½ of its existing size. Exhibit 52, p. 12.

The Planning Board has approved a Preliminary Forest Conservation Plan (PFCP) and variances for removal of certain of the specimen trees. Exhibits 54, 55. Because the Planning Board's Environmental Guidelines discourage any encroachment into the buffer, Staff advises that "subsequent regulatory applications must include measures to enhance the stream buffer function, including restoring areas where impervious surfaces are being removed, managing invasive species, and planting buffer areas with native species where not in conflict with other easements." *Id.* This is a condition of approval for the Preliminary Forest Conservation Plan. Exhibit 54.

E. Community Concerns

There is no comment from the community, either for or against, in the record of this case.

IV. FINDINGS AND CONCLUSIONS

A floating zone is a flexible device that allows a legislative body to establish development standards and uses for a zoning district before "attaching" it to properties. The zone may be applied

to properties with the approval of an LMA.

To approve an LMA, the District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with the coordinated and systematic development of the Regional District. *See, Md. Land Use Art.*, §21-101(a) and (b). While many of the site specific requirements for development are addressed by later approvals, the Zoning Ordinance contains various standards that the Council must decide. Section 59.7.2.1.E. establishes a set of “Necessary Findings” the Council must make for any Floating Zone application. These standards incorporate the requirements of other sections of the Zoning Ordinance, and most fall within one of three main categories: (1) conformance with the Sector Plan, (2) compatibility with the surrounding area and adjacent properties, and (3) whether the project is supported by adequate public facilities.

A. The “Necessary Findings” Required by Zoning Ordinance §59.7.2.1.E.2.

1. Substantial Conformance with the Master Plan

Several sections of the Zoning Ordinance require an applicant to demonstrate that the proposed rezoning conforms to the applicable Master Plan:

Section 7.2.1.E.2.a. For a Floating zone application the District Council must find that the floating zone plan will:

a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;

* * *

Section 59-7.2.1.E.1.b: ...further the public interest...⁴

* * *

⁴ OZAH has interpreted the “public interest” to be conformance to adopted County plans and policies and whether there are adequate public facilities to support the use. In addition to conformance with the Sector Plan and the adequacy of public facilities, Staff found that it meets the public interest because it will provide residential development without burdening schools, reduces the amount of traffic from the site, adds 650 jobs, and “provide a significant residential infill development in a location proximate to a rich array of goods and services.” Exhibit 52, p. 11. To the extent that these are not already encompassed within conformance to County plans and policies, the Sector Plan, and the adequacy of facilities, the Hearing Examiner accepts this rationale.

Section 59-7.2.1.c: ...satisfy the intent and standards of the proposed zone...

* * *

Section 59-5.1.2.A.1. (Intent of Floating Zones): Implement comprehensive planning policies by... furthering the goals of the general plan, applicable master plan, and functional master plan...

Conclusion: The subject site lies within the area covered by the 2017 *Approved and Adopted Rock Spring Sector Plan* (Sector Plan or Plan).⁵ Cognizant that the market for office space was declining, the Sector Plan sought to supplement and refine the goals of the prior Master Plan by (1) adding residential and retail uses, (2) preserving publicly accessible open space, (3) providing paths to link open space with other areas of the office park, public facilities, and residential neighborhoods, and (4) integrating transit stations and rights-of-way into future development. *Sector Plan*, p. 5. The Plan tried to shed the area's more suburban past by implementing four "overarching" goals for land use and design, the environment and sustainability, public facilities, and transportation and connectivity. *Plan*, p. 20. The Plan envisioned a a greater mix of land uses and amenities for businesses and residents. It recommended achieving a sustainable environment by creating a larger tree canopy and reducing reliance on vehicular transportation, which overlaps with the Plan's "connectivity" goal to create safer, "low-stress" pedestrian and bicycle connections. The Sector Plan's vision for community facilities was to include more publically accessible green spaces. *Id.*

Key to redevelopment of the area is the Plan's focus on a central "spine" along Fernwood Road and Rock Spring Drive. *Plan*, 18. The Plan divided the larger Sector Plan area into three clusters central to this spine. The subject property lies within the "Rock Spring Central/Mixed-Use Business Campus" cluster, which includes the office park where Marriott is now located. *Plan*, pp. 18-19. The Plan recommended the property's existing CR zoning with a notation that a floating

⁵ The public benefits for CR-Zoned property recommended by the Sector Plan are discussed in Part IV.D.2 of this Report.

zone may be appropriate for the property. *Plan*, pp. 34-35. According to Staff, this recommendation was “for the purpose of providing options and flexibility for infill or redevelopment in the future should circumstances change for the office buildings.” Exhibit 52, p. 9.

Staff found that the continuing care retirement community proposed by the FZP meets the Sector Plan’s goals by (Exhibit 52, pp. 8-9):

- Adding a new type of residential infill development to area’s existing mix of uses, helping to reshape the area into a more well-integrated community.
- Increasing publicly accessible green spaces within the Plan area by providing a 1.5-acre civic green/park and a walking trail open to the public and an enhanced streetscape for pedestrians and bicyclists.
- Concentrating new activity along the “central spine” (Fernwood Road/Rock Spring Drive as the proposed buildings and the civic green will line the Property frontage along Fernwood Road.
- Helping to create a safe, low stress pedestrian and bicycle network with proposed streetscape improvements along Fernwood Road.

Ms. Rodriguez opined that the FZP conforms to the Sector Plan for similar reasons. According to her, the Plan recommended a floating zone because the Council knew that it would be difficult to repurpose the site. T. 46. The internal grid design generates an urban landscape and eliminates surface parking, another goal of the master plan. T. 45. The green pathway adds connectivity for pedestrians, along with the 1.5-acre civic park, which is a major public amenity recommended by the Plan. The park will be open to the public and designed for multi-generational use. T. 45-47.

Conclusion: Based on this evidence, the Hearing Examiner agrees with Staff and the Applicant FZP conforms to the Sector Plan not just in terms of the zoning requested, but achieves the Plan’s broader goals as well. It clearly adds significant green space (more than the minimum required by the zone) that is accessible to the public, includes safe pedestrian and bicycle connections, adds to the existing mix of uses without burdening public schools, and significantly reduces the amount of impervious area within the environmental buffer. The residential use, streetscape improvements

and “road diet” along Fernwood Road, and additional multi-modal connectivity will meet the Sector Plan’s goal to achieve a well-integrated, mixed use community.

2. Compatibility

Several sections of the Zoning Ordinance require the District Council to analyze the compatibility of the proposed FZP with adjacent uses and the surrounding area. The application must:

Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

* * *

Section 5.1.2.C. (Intent of Floating Zones). Ensure protection of established neighborhoods by:

1. *establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
2. *providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
3. *allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

* * *

Section 5.3.2.C. (Purpose of Commercial/Residential Zones). The purpose of the Commercial/Residential Zones is to ... provide mixed-use development that is compatible with adjacent development.

Section 7.2.1.E.1.d. be compatible with existing and approved adjacent development...⁶

* * *

Staff found that the FZP would be compatible with existing and approved adjacent development (Exhibit 52, p. 13):

The proposed rezoning will comply with the overall density and height recommended in the Rock Spring Sector Plan. The change requested in this

⁶ Section 59.7.2.1.E.1.f. requires a non-residential floating zone to be compatible with the surrounding area when it would replace a Residential detached zone. As the existing zone is CR, this criteria does not apply.

Application is an increase in the amount of residential, but not overall, density. The scale of the proposed use is compatible with the scale of development in the surrounding office park and as envisioned in the Sector Plan. The proposed use of the Property as a CCRC is consistent with the continued evolution of the area from an office park to a mixed-use neighborhood. The Project will provide an improved streetscape along Fernwood Road, thus framing the street in a more relevant, urbanized style that will be an improvement over the 1970s office park aesthetic of Rock Spring. At the same time, the Project will provide a generous amount of publicly accessible open space that will improve the aesthetics and livability of the Neighborhood.

Staff also concluded that the proposed continuing care retirement community is at a “scale and density” consistent with the existing office buildings in the Staff-defined neighborhood and the propose residential developments...” Exhibit 52, p. 14.

Ms. Rodriguez opined that the clear and compatible boundaries that define the site, along with the streetscape improvements to enhance the Sector Plan’s “central spine” will create compatible relationships with adjacent uses. The Sector Plan intended the spine to be the key to a more urban framework; the FZP implements this. T. 54-55.

Conclusion: The Hearing Examiner finds that the proposed development will be compatible with adjacent properties and the surrounding area. As Staff points out, the overall FAR will not change; only the commercial/residential FAR will change to add a new use to the surrounding area as called for by the Sector Plan. The “green necklace” surrounding much of the property will provide not just a recreational facility for the public, but a buffer from adjacent land uses. Streetscape and multi-modal transportation along Fernwood Drive adds to the connectivity and updates the existing streetscape. The FZP uses the design flexibility of the CRF Zone to orient the buildings in a compact grid pattern, leaving space to provide significant public benefits, including the pathway and civic park.

3. Adequate Public Facilities/Public Interest

Several sections of the Zoning Ordinance require an applicant for a Floating Zone to demonstrate that public facilities will be adequate to serve the property. The Council must find that

the application meets the following standards:

Section 7.2.1.E.1.e: generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and...

* * *

Section 7.2.1.E.1.b: further the public interest...

* * *

Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

* * *

Section 5.1.2.A.2: (Intent of the Floating Zones). ...“implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure...”

Conclusion: The Hearing Examiner finds the Applicant adequately demonstrated that public facilities will be adequate to serve the use. The uncontroverted evidence demonstrates that changing the use from office to a continuing care retirement community will *reduce* the amount of traffic generated by the development. A table from the Traffic Statement illustrates this (Exhibit 12, Exhibit 2):

TRIP GENERATION TOTALS

MORNING PEAK HOUR			EVENING PEAK HOUR		
IN	OUT	TOTAL	IN	OUT	TOTAL

Proposed

1,560 Units Continuing Care Retirement Community	142	76	218	97	153	250
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Existing

775,000 sq. ft. General Office Building	649	106	755	127	669	796
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Total Difference (Proposed - Existing)	-507	-30	-537	-30	-516	-546
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2. Other Public Facilities

Mr. Timothy Hoffman, the Applicant's expert in civil engineering, testified the existing gas, water, sewer, utility, police and fire services are adequate to serve the proposed development. T. 62. The Applicant submitted a stormwater management strategy that has been vetted and accepted by the Department of Permitting services. T. 60-62.

B. The Intent and Standards of the Zone (Section 59-7.2.1.E.2.c)

Section 59-7.2.1.E.2.c of the Zoning Ordinance requires the District Council to find that the FZP "satisfy the intent and standards of the proposed zone." The Zoning Ordinance includes an "intent" clause for all Floating Zones and a "purpose" clause for particular the zone requested. Some of the intent or purpose clauses have already been analyzed above. The balance of the intent findings for Floating Zone and the purposes of the CRF Zone, are examined here.

1. Intent of Floating Zones (Section 59-5.1.2)

The intent of Floating Zones is to ensure (1) the FZP complies with the Master Plan, (2) is supported by adequate public facilities, and (3) achieves the following goals:

Section 59-5.1.2.A.3 ... The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by...

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property...

Staff concluded that: "The Project is designed to promote the sense of a street grid, although vehicles outside the CCRC are unlikely to circulate through the Property given that it provides no connection to any public street..[t]he Project incorporates restoration of the Thomas Branch stream into the proposed development and adds a linear open space with a walking trail adjacent to the stream." Exhibit 52, pp. 11-12. Ms. Rodriguez testified that the "road diet" along Fernwood Road will add bike lanes and incorporate streetscape improvements. T. 50.

Conclusion: It is obvious to the Hearing Examiner that the project utilizes design flexibility to implement compact development in a grid pattern that enables the Applicant to preserve and enhance environmental features and non-vehicle transportation modes surrounding the development. Staff confirms that almost one-half acre of existing impervious area will be removed from the environmental buffer. Exhibit 52, pp. 12-13. The project will incorporate 8.5 acres of green space along the environmental buffers including a walking path open to the public and a 1.5 acre civic park open to the public. The streetscape improvements and road diet along Fernwood contribute to the central spine through the area envisioned by the Sector Plan.

B. Encourage the appropriate use of land by:

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;***
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and***
- 3. ensuring that development satisfies basic sustainability requirements including:***
 - a. locational criteria,***
 - b. connections to circulation networks,***
 - c. density and use limitations,***
 - d. open space standards,***
 - e. environmental protection and mitigation; and***

Staff advises that: 'The proposed use takes full advantage of the Property's prime location to introduce a residential use to an aging office park where the existing supply of office space surpasses the demand. At the same time, the Project will decrease impact on the public roads while not burdening the public school system.' Exhibit 52, p. 12-13. Staff determined that the project satisfies sustainability requirements because the PFCP not only complies with the County's Forest Conservation law but will also significantly reduce existing impervious area in the environmental buffer. *Id.* According to Ms. Rodriguez, will also restore the stream in the southern portion of the site.

Conclusion: The Sector Plan itself recognizes the declining demand for single-use suburban office parks. The uncontroverted testimony from ELP demonstrates that there is a strong demand for continuing care retirement communities like the one presented here. The CRF Zone requested provides an opportunity to repurpose the existing use to one driven by changing demographics in a manner consistent with the integrated, mixed-use neighborhood envisioned by the Sector Plan. The FZP does not change the overall density already approved by the Sector Plan and utilizes that density in a more sustainable way by decreasing imperviousness in sensitive areas and providing more open space. The FZP meets this intent of the CR Floating Zones.

2. Purpose of the Commercial/Residential Floating Zones (Section 59-5.3.2)

Section 59-5.3.2 of the Zoning Ordinance describes the purpose of the Commercial Residential Floating Zones.

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;***
- B. allow flexibility in uses for a site; and***
- C. provide mixed-use development that is compatible with adjacent development.***

Ms. Rodriguez pointed out that the FZP fulfills the purpose of the CRF Zone because the property is already zoned CR. T. 53. Staff found that the FZP will “increase the amount of residential density allowed on the Property to build a CCRC, which will add to the diversity of uses in the Rock Spring community.” Exhibit 52, p. 13.

Conclusion: The Hearing Examiner already found that the FZP furthers the purpose of Section 5.3.2.C. The Hearing Examiner agrees with Staff that the FZP in this case meets the remaining purposes of the Commercial Residential Floating Zones. The cap on height and density does not change what is currently approved by the Sector Plan. The CR Zone requested only adds the flexibility to increase the residential component to diversify the land use mix in the area by permitting a project that is residential with an employment component.

C. The Applicability of the Zone (Section 59-5.1.3)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a particular site may apply for a Floating Zone. Each subsection is listed below, followed by the Hearing Examiner's finding on each:

Section 59.5.1.3. A. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.

Conclusion: The subject property is currently within the CR Zone; therefore, this provision does not apply.

Section 59.5.1.3. B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application. For properties with a master plan recommendation for a Floating zone for which an application can no longer be made as of October 30, 2014, the following table identifies the equivalent Floating zones for which an applicant may apply:

* * *

Conclusion: Staff determined that there are no prerequisites for this application because the Sector Plan recommended the property a CR Floating Zone. Exhibit 52, p. 13. Upon review of the Sector Plan, the Hearing Examiner agrees with Staff that it intended to recommend a floating zone for this property, and so finds. There are no prerequisites for this FZP.

D. Development Standards and Uses Permitted in the CRF Zone (Division 59-5.3)

1. Uses Permitted (Section 59-5.3.3)

Section 59-5.3.3 of the Zoning Ordinance permits "only" those uses permitted in the CR Zone in the CRF Zone. Staff advises that the continuing care retirement community proposed here constitutes a "residential care facility (over 16 persons) under Section 59.3.3.2.E.2.c of the Zoning Ordinance. Exhibit 52, p. 14.

Conclusion: The Hearing Examiner agrees with Staff that the proposed use is a residential care facility for over 16 persons. These are permitted in the CR Zone and therefore, the CRF Zone. *Zoning Ordinance, Section 59.3.1.6.*

2. Development Standards of the CRF Zone

Section 5.3.4. Building Types Allowed

A. Any building type is allowed in the Commercial/Residential Floating zones.

Conclusion: Because “[a]ny building type” is permitted in the CRF Zone, the FZP meets this standard.

Section 5.3.5. Development Standards.

Section 59.5.3.5.A-D (Density, Parking, Setbacks and Height, Open Space)

Staff found that the FZP meets the development standards of the CRF-1.5, C-0.75, R-1.5, H-150 Zone, (Zoning Ordinance, §59.5.3.5), as demonstrated in the table from the Staff Report (Exhibit 52, p. 14, on the next page).

Conclusion: The FZP demonstrates that the subject property can meet parking, open space, screening, and landscaping requirements on-site. Final layout of the parking, open space, screening and landscaping will be determined at the time of sketch plan and site plan approval.

Section 59.5.3.5.E (Development Standards/Public Benefits)

The Zoning Ordinance requires developments above 0.5 FAR in the CRF Zone to provide public benefits. The Sector Plan also requires CRF-Zoned properties to provide a “major public benefit” as well. *Sector Plan*, p. 35. Staff summarized the hierarchy of major public benefits recommended by the Sector Plan as follows (Exhibit 52, p. 10):

- Dedication of land for needed school site as the highest priority public benefit.
- Providing 15% MPDUs is the highest priority public amenity for new residential development, unless the Property is required to dedicate land for a school or athletic field.
- Other major public facilities including land for parks and school athletic fields, dedications for the North Bethesda Transitway, a library, a recreation center, County service center, public transportation or utility upgrade.
- Diversity of uses and activities.
- Connectivity and mobility.

- Reuse of existing building. (p. 81).

Section 5.3.5. Development Standards for CRF Zone

	Required/Allowed Zoning Ordinance Development Standards	Proposed
Site Area		
Gross Tract Area:		36,0182 acres / 1,548,822 s.f.
Previously Dedicated ROW:		2,3719 acres / 103,320 s.f.
Net Lot Area:		33,6463 acres / 1,445,502 s.f.
Existing Zone	CR 1.5, C-0.75, R-0.75, H-150	CRF 1.5, C-0.75, R-1.5, H-150
Density of Development Max.: (59.5.3.5.A)	2,353,233 s.f. (1,645,822 x 1.6)	2,353,233 s.f.
Independent Living		1300 units
Assisted Living		160-210 units
Skilled Nursing		30-50 units
Indoor Amenity Space		100,000 to 150,000 s.f.
Retail		5,000 to 15,000 s.f.
Building Height Max. (59.5.3.5.B)	150'	150'
Public Open Space Min. (59.5.3.1)		
10% of net area under application (59.4.5.4.B.1)		Min. 10 acres (incl. min. 1.5 acres in civic green)
(5% of public open space may be a café)	3.36 acres	1.5 acres
Civic Green		8.45 acres (2900 linear feet)
Linear Park		0.05 acres
Outdoor Café Plaza		
Screening, recreational facilities and landscaping	As required by 59-5	Project will comply with 59-5
Common Open Space (59.3.5.D.2.b)	N/A	Min. 2.50 acres
Parking		
Vehicle Parking (59.5.2.4.B)	0.5-1 space per independent living unit, 1-1.5 spaces per residential care facility unit, 1-5 spaces per 1000 g.s.f. recreational facilities	Approx. 1800 spaces
Bicycle Parking (59.5.2.4.C)	0.25 per 1000 s.f. / 50 spaces max.	50 spaces
Motorcycle/Scooter Parking (59.5.2.3.C)	2% of the number of vehicle spaces must be provided for motorcycles spaces in facilities with more than 50 parking spaces. Max. of 10 motorcycle spaces required.	10 spaces
Spaces for Charging Electric Vehicle (59.5.2.3.E)	Min. of 1 space/ 100 parking spaces provided in a facility must be converted to a station for charging electric vehicles.	Approx. 18 spaces
Building Setbacks Min. (59.5.3.5.B)		
Front Setback from Farmwood Drive	0'	15'-40'
Side Setback from I-270	100'	100' Min.

Compliance with Development Standards
Exhibit 52, p. 14

At Staff's recommendation, the Applicant has incorporated a binding element requiring it to provide the civic park as a major public benefit. Exhibits 42, 52, p. 10. Staff advises that it has asked the Applicant to explore ways to contribute to a school site but leaves the final decision on what major public benefits will be required to sketch plan approval by the Planning Board. *Id.* According to Staff, the Applicant proposes additional public benefits including transit proximity, architectural elevations, exceptional design, building reuse, public open space, enhanced

accessibility for the disabled, structured parking and habitat preservation and restoration. *Id.*

Conclusion: With the binding element ensuring the provision of the civic park, the FZP demonstrates that a major public benefit will be provided at the rezoning stage. This may be refined further at later stages of the development process.

Based on the undisputed evidence at this stage, the Applicant's proposal will be able to meet the requirements for parking, recreation, screening and landscaping, and public benefits, subject to review and modification details at subsequent stages of the development process.

V. RECOMMENDATION

For the foregoing reasons, the Hearing Examiner concludes that the proposed reclassification and Floating Zone Plan will meet the standards set forth in the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District under State law. Therefore, I recommend that Local Map Amendment Application No. H-135, requesting reclassification from the existing CR-1.5, C-0.75, R-0.75, H-150 to the CRF-1.5, C-0.75, R-1.50, H-150 be **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 42), provided that the Applicant files an executed Declaration of Covenants (Exhibit 39) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

Issued: May 8, 2020.

Respectfully submitted,



Lynn Robeson Hannan
Hearing Examiner

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: APPLICATION NO. H-135 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Patricia Harris, Esquire, Attorney for the Applicant, ELP Bethesda at Rock Spring; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 04- 01567726.

OPINION

ELP Bethesda at Rock Spring LLC (ELP or Applicant) filed Local Map Amendment (LMA) Application No. H-135 on December 20, 2019. The application seeks to rezone approximately 33.64 (net) acres of property from the CR-1.5, C-0.75, R-0.75, H-150 to the CRF (Commercial Residential Floating Zone) 1.5, C-0.75, R-1.5, H-150. Exhibit 2. The subject property is located at 10400 Fernwood Road and is further described as Rock Spring Center Pt. Pars 6 & 12 (Tax Account No. 04-01567726).

Staff of the Montgomery County Planning Department (Planning Staff or Staff) recommended approval of the application and associated Preliminary Forest Conservation Plan (PFCP) on March 16, 2020. Exhibits 51, 52. The Planning Board recommended approval of the application and approved the PFCP at its public meeting on March 26, 2020. Exhibit 55. OZAH's public hearing proceeded as noticed on April 17, 2020. No one appeared in opposition to the application. The Hearing Examiner issued her report (HE Report) recommending approval on May 8, 2020.

On June 2, 2020, the Applicant submitted a revised Floating Zone Plan (FZP) (Exhibit 60) and draft covenants (Exhibit 61) to be approved by the Council. The public hearing included testimony and evidence that the use would be restricted to a continuing care retirement community (CCRC) for seniors, however, this had not been made a binding element in the FZP or the covenants. The revised documents correct that omission.

The Hearing Examiner reopened the record to receive the Applicant's submissions (Exhibits 59-61) and closed it immediately afterward. Exhibit 62. The Hearing Examiner issued a Supplemental Report and Recommendation (Supplemental HE Report) recommending approval

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of the revised FZP on June 2, 2020. She found that there was ample evidence in the record that the Applicant intended to develop a CCRC restricted to senior housing under the FZP. The Hearing Examiner, Planning Board, and Planning Staff based their recommendations of approval on the fact that the property would be a CCRC. Exhibit 52, 55. The revised documents clarify that the use requested in the public record will be binding on subsequent approvals. The revisions made no substantive change to the Hearing Examiner's original findings.

To avoid unnecessary detail in this Opinion, the HE Report and Supplemental HE Report are incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Subject Property

The property currently serves as the headquarters for Marriott International. Improvements include a 775,000 square foot office building, surface parking, and an above-ground garage. It is part of the Rock Spring Office Park, located east of the eastern leg of the I-270 Spur. The Thomas Branch stream runs along the southern part of the property with associated wetlands and floodplains. An existing road traverses the environmental buffer, a portion of which provides access to the property adjacent to the south. The site has no forested areas but does have several specimen trees. Exhibit 52, p. 4.

Surrounding Area

The "surrounding area" is identified and characterized in a Floating Zone application to measure whether the development proposed by the Floating Zone Plan (FZP) will be compatible with the properties directly impacted by the use. The boundaries of the surrounding area include those properties. Once delineated, the surrounding area is "characterized" to compare the compatibility of the development proposed by the Floating Zone with the character of the area.

The Hearing Examiner agreed with Planning Staff and the Applicant that the surrounding area is bounded by Rockledge Boulevard to the east, Rockledge Drive to the north, Westlake Drive to the west and Democracy Boulevard to the south. Staff characterized the area as primarily commercial in character, including office buildings, Westfield Montgomery Mall, a hotel, a Home Depot and a car dealership. One existing residential development confronts the property across Fernwood Road. Exhibit 52, p. 3. The Applicant's expert land planner characterized the existing land uses in the surrounding area as heavily suburban and commercial. There are several approved but not yet constructed residential developments in the surrounding area. In her opinion, land uses in the area are gradually evolving into the mixed use, connected community envisioned by the Rock Spring Sector Plan. T. 33-34.

The Hearing Examiner found that the existing surrounding area is heavily suburban and commercial but is gradually transitioning to the mixed-use concept envisioned by the Sector Plan as described later in this Report. Based on this record, the District Council agrees and so finds.

Proposed Development

The Applicant proposes to redevelop the property with a CCRC containing up to 1,300 independent living units, 210 assisted living/memory care units, and 50 skilled nursing units in six buildings. Exhibit 60. Except for the marketing center, which is one story, the buildings will range in height between 7 and 13 stories. T. 39-40. ELP may develop up to 15,000 square feet of retail along Fernwood Road, although it is likely that the amount will be lower. T. 40. The project will provide the equivalent of 15% MPDUs, as required by the County Code. T. 9-10; Montgomery County Code, §25A-5(d)(1).¹ At full build-out, ELP expects to employ approximately 650 individuals. The development includes 1,800 parking spaces to serve residents and employees. T. 19, 41. ELP plans to retain part of the existing garage and add four-stories of living space above it. T. 25-26.

The FZP includes a "green necklace" around three sides of the property. T. 39. This consists of open space (a publicly accessible pathway) around the western and southern boundaries and a 1.5-acre civic park bordering Fernwood Road, also open to the public. *Id.* The compact urban design of the buildings enables the green boundary and streetscape improvements to Fernwood Road. T. 45. The project will be developed in three phases. T. 21-25.

There are four binding elements included on the FZP, which: (1) require the 1.5-acre public park, (2) require a minimum of 5,000 square feet of retail space, (3) require at least one other major public facility that meets Sector Plan guidance, to be determined at the Sketch Plan stage, and (4) restrict the use to a residential care facility defined by §59.3.3.2.E.2 of the Zoning Ordinance, which includes a CCRC. Exhibit 60.

Criteria for Approval

Every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that meets certain requirements. *Zoning Ordinance*, §59-7.2.1.B.2.g. The Applicant has filed an FZP meeting those requirements (Exhibit 60), which is described in the Hearing Examiner's Report.

The Zoning Ordinance and State law govern the standards of approval for a floating zone application. Generally, these standards fall into five categories (1) conformity to the Master Plan, (2) compatibility with adjacent uses and the surrounding area, (3) the adequacy of public services to support the proposed development, (4) technical requirements regarding whether the property is eligible to apply for a Floating Zone, and (5) whether the FZP meets the development standards of the zone requested.

¹ The exact location and method of providing these units will be determined later in the development process. At the public hearing, ELP advised that the Planning Department is considering changes to the current MPDU law (Montgomery County Code, §25A-5(d)(1)) for continuing care retirement communities. ELP will provide the requisite number of MPDUs in accord with the law in effect at later (*i.e.*, sketch or preliminary plan) phases. Changes being considered include, without limitation, provision of off-site units and fees in lieu of actual housing units. T. 10.

Conformance with the Master Plan²

The 2017 *Approved and Adopted Rock Spring Sector Plan* (Sector Plan or Plan) guides the development of this property. Cognizant that the market for office park space was declining, the Plan tried to shed the area's more suburban past by implementing four "overarching" goals for land use and design, the environment and sustainability, public facilities, and transportation and connectivity. *Plan*, p. 20. The Plan envisioned a greater mix of land uses and amenities for businesses and residents. It recommended achieving a sustainable environment by creating a larger tree canopy and reducing reliance on vehicular transportation, which overlaps with the Plan's "connectivity" goal to create safer, "low-stress" pedestrian and bicycle connections. *Id.* The Sector Plan's vision for community facilities was to include more publically accessible green spaces. *Id.* The Plan's focused redevelopment along a "central spine" on Fernwood Road bordering the subject property and extending to Rock Spring Drive to the west. Located in the "Rock Spring Central/Mixed-Use Business Campus" sub-area, the Plan recommended the existing CR Zone for the property but noted that a floating zone may be appropriate for redevelopment of the site. The floating zone recommendation was to provide "options and flexibility for infill or redevelopment in the future should circumstances change for the office buildings." Exhibit 52, p. 9.

Staff concluded that the FZP conforms to the Plan's goals by adding a new residential use to the area, providing additional green space for both the pathway and the civic park, creating new activity along the Plan's central spine, and creating a safer and lower stress pedestrian and bicycle environment with improvements to Fernwood Road. Exhibit 52, p. 9. The Hearing Examiner found that the "residential use, streetscape improvements and "road diet" along Fernwood Road, and additional multi-modal connectivity will meet the Sector Plan's goal to achieve a well-integrated, mixed use community." *Hearing Examiner's Report*, pp. 15-16. Based on this uncontroverted evidence, the District Council agrees and so finds.

Compatibility with Adjacent Uses and the Surrounding Area

Multiple standards for approval require the District Council to find that the FZP be compatible with adjacent uses and the surrounding area.³ Based on Staff's report and testimony from the Applicant's land planner, the Hearing Examiner concluded that, "the overall FAR will

² Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies and whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to further the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

³ The FZP must further the intent of Floating Zones in general and the CRF Zone in particular. *Zoning Ordinance*, §§59-7.2.1.E.2.c; 59-5.1.2.C; 59-5.3.2. Floating zones are intended to (1) establish compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses, (2) provide development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allow design flexibility to mitigate any negative impacts found to be caused by the new use. *Id.*, §59-5.1.2.C. One purpose of the CRF Zone is to provide "provide mixed-use development that is compatible with adjacent development." *Id.*, §59-5.3.2.C. Similarly, Section 59-7.2.1.E.2.d of the Zoning Ordinance requires the Council to find that the FZP is "compatible with existing and approved adjacent development."

not change; only the commercial/residential FAR will change to add a new use to the surrounding area as called for by the Sector Plan.” *HE Report*, p. 17. The District Council finds that the public pathway and civic park surrounding much of the property meets the Plan’s goal to preserve and enhance green area and buffers the development from adjacent uses. The upgraded streetscape and multi-modal improvements to Fernwood Drive will be more compatible with the area as it develops into a mixed-use community. The bike path improvements to Fernwood Road and green walkway provide low-stress pedestrian and bicycle connections. The FZP uses the design flexibility of the CRF Zone to orient the buildings in a compact grid pattern, leaving space to provide the green area and the civic park. For these reasons, the District Council finds the Plan is compatible with adjacent uses and the surrounding area, as did the Hearing Examiner, the Planning Board and Planning Staff.

Adequacy of Public Facilities/Public Interest

The District Council must also find that public facilities will be adequate to serve the FZP. While a more detailed review will occur later in the development process, a threshold analysis must be performed at the rezoning stage.⁴

The Applicant in this case submitted a traffic statement rather than a Traffic Study, as permitted under Planning Board’s Local Area Transportation Review (LATR) Guidelines when a development will generate fewer than 50 new weekday peak hour person trips. *Zoning Ordinance*, §59.7.2.1.E.2.e; *LATR Guidelines*, p. 8. The Traffic Statement (Exhibit 12) demonstrates that the proposed development will significantly reduce the number of weekday peak hour person trips generated by the existing office use. Having no evidence in this record to the contrary, the District Council agrees with the Hearing Examiner that the application complies with the LATR Guidelines.

Uncontroverted evidence establishes that other public facilities are adequate as well. The Applicant’s expert in civil engineering testified the existing gas, water, sewer, police and fire services are adequate to serve the proposed development. T. 62. The Applicant submitted a stormwater management strategy that has been reviewed and accepted by the Department of Permitting Services. T. 60-62. Based on this evidence, the District Council finds that public facilities will be adequate to serve the development proposed by the FZP.

The Intent and Standards of the Zone as set forth in Section 59.5.1.2.

The District Council must determine whether the FZP fulfills the intent of the Floating

⁴Section 59.7.2.1.E.2.e requires that an Applicant demonstrate that traffic generated from the proposed development “does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board’s LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . .” The adequacy of other facilities is part of the Council’s determination that an application will be “in the public interest...” and that it be “it will be consistent with a coordinated and systematic development of the Regional District” under State law. *Zoning Ordinance*, §59-7.2.1.E.1.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to “implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure...” *Zoning Ordinance*, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

Zones. Several of these have already been addressed.⁵ The balance of those (from Section 59-5.1.2) are:

Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:

3. *allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and*

The Hearing Examiner found it "obvious" that the project utilizes design flexibility to integrate the use with existing land use patterns and natural features. The compact grid pattern of the development preserves and enhances environmental features and non-vehicular transportation modes. Almost one-half acre of existing impervious area will be removed from the environmental buffer. Exhibit 52, pp. 12-13. The project will incorporate 8.5 acres of green space along the environmental buffers including a walking path open to the public and a 1.5 acre civic park open to the public. The streetscape improvements along Fernwood contribute to the central spine road envisioned by the Sector Plan. The District Council concurs with the findings of the Hearing Examiner.

Section 5.1.2.B. Encourage the appropriate use of land by:

1. *providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
2. *allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population;*
3. *ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and*

The Sector Plan itself recognizes the declining demand for commercial office space in an office park setting. *Sector Plan*, p. 5. Testimony and evidence before the Hearing Examiner demonstrate that there is a high demand for continuing care retirement communities within the area. The FZP affords the opportunity to repurpose the office park to serve a residential population without burdening school facilities. The project will also reduce the amount of impervious area by removing approximately ½ acre of an existing road on the south side of the property. The Planning Board has approved a PFCP for the project, demonstrating compliance with the County's Forest Conservation law. The District Council finds that the FZP meets the intent of these purposes of a Floating Zone, as did the Hearing Examiner.

⁵ The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses and the adequacy of public facilities. The balance of the Floating Zone intent clauses are discussed here.

The Applicability of the Zone (Section 59.5.1.3.)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a site may apply for a Floating Zone.⁶ No prerequisites are required, however, if the floating zone is recommended by the Master Plan. *Zoning Ordinance*, §5.1.3.B.

The Hearing Examiner concluded that the Sector Plan recommended a floating zone for the property, as did Planning Staff. Based on this uncontroverted evidence, the District Council finds there are no prerequisites for application of a Floating Zone.

The Purpose of Commercial/Residential Floating Zones, Permitted Uses, and Permitted Building Types, Sections 59.5.3.2 through 59.5.3.4)

Zoning Ordinance Division 59-5.3 specifies the purposes of the Commercial/Residential Floating Zone, and establishes the allowed uses, building types, and development standards.

Section 59.5.3.1. establishes the Commercial/Residential Floating Zone. Density must be expressed in increments of 0.25 FAR and height in increments of 5 feet. The Zone applied for here is the CRF 1.5, C-0.75, R-1.5, H-150 Zone, which meets those requirements.

Purpose. The District Council has already found that the FZP is compatible with adjacent development, one of the purposes of the Commercial/Residential Zones. *Zoning Ordinance*, §5.3.2.C. The remaining purposes are:

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site...*

The cap on height and density does not change the density recommended by the Sector Plan. It only alters the mix of uses on the property to permit a residential continuing care retirement community, a new use in the area. The District Council concludes that the proposed FZP meets these purposes of the CRF Zone, as did the Hearing Examiner.

Uses and Building Types Permitted (Section 59.5.3.3 and 59.5.3.4): The CRF Zone permits only the uses allowed in the CR (Commercial/Residential Zone) and permits any building type. *Zoning Ordinance*, §§5.3.3.3, 59.5.3.4. The FZP proposes a continuing care retirement community, which is a "residential care facility for over 16 persons" permitted in the CR Zone. *Zoning Ordinance*, §59.3.1.6. This use has been added as a binding element to the FZP. Exhibit 60. The FZP meets this standard.

⁶ Section 59-5.1.3.A prohibits placement of a Floating Zone on property currently in an Agricultural or Residential Zone. As this property is zoned CR, that section does not apply.

Development Standards of the Zone (Section 5.3.5)

Density. Where a floating zone is recommended in a Master Plan, the Master Plan recommendation for the property governs the permitted density. *Zoning Ordinance*, §59.5.3.5.A.1. The Sector Plan recommended a total FAR of 1.5 for this property, as reflected by the property's existing zoning. The FZP does not change this recommendation. The District Council finds that the FZP meets the density criteria of the Zoning Ordinance, as did the Hearing Examiner.

Height and Setbacks. If a floating zone is recommended in a Master Plan, height is determined by the Master Plan. *Id.* §59.5.3.5.B. The requested zone does not change the height of the existing rezoning recommended under the Sector Plan. Both Planning Staff and the Hearing Examiner concluded that the height proposed meets this criterion, as does the District Council.

Setbacks from the site perimeter are established by the FZP. Both Planning Staff and the Applicant have submitted testimony and evidence finding that the setbacks are compatible with the surrounding area and adjacent properties. The plan proposes a significant green area along three sides of the property and will provide streetscape improvements along Fernwood Drive. The District Council finds that the perimeter setbacks are compatible and appropriate.

Lot size, parking, recreation and open space. Lot sizes are not part of the District Council's review at the rezoning stage. *Id.*, §59.5.3.5. C. The FZP demonstrates the requisite amount of open space for the residential development. *Id.*, §59.5.3.5.D. The FZP also shows the required parking for the proposed use. Exhibit 60. Planning Staff and the Hearing Examiner concluded that the FZP meets all development criteria. Based on this undisputed evidence, the District Council agrees.

Public Benefits. Section 59.5.3.5.E of the Zoning Ordinance requires development above 0.5 FAR to provide public benefits. The Sector Plan recommends a hierarchy of public benefits for this area. Staff summarized the Plan's recommendations as follows (Exhibit 52, p. 10):

- Dedication of land for needed school site as the highest priority public benefit.
- Providing 15% MPDUs is the highest priority public amenity for new residential development, unless the Property is required to dedicate land for a school or athletic field.
- Other major public facilities including land for parks and school athletic fields, dedications for the North Bethesda Transitway, a library, a recreation center, County service center, public transportation or utility upgrade.
- Diversity of uses and activities.
- Connectivity and mobility.
- Reuse of existing building. (p. 81).

Two binding elements of the FZP address public benefits in conformance with the Sector Plan. One requires the Applicant to provide the 1.5-acre publicly accessible civic park. The other requires the ELP to provide at least one major public facility that conforms to the guidance in the Sector Plan. Exhibit 60. The details of the second public facility will be determined at the Sketch Plan stage of the development process. Exhibit 52. With these binding elements, the District

Council finds that the Zoning Ordinance requirements to provide public benefits in conformance with the Sector Plan have been met.

Conclusion

Based on the foregoing analysis and after a thorough review of the entire record, including the Hearing Examiner's Report issued May 8, 2020 and her Supplemental Report and Recommendation issued June 2, 2020, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with the coordinated and systematic development of the Regional District under State law.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-135, requesting reclassification from the existing CR-1.5, C-0.75, R-0.75, H-150 to the CRF 1.5, C-0.75, R-1.5, H-150, for property located at 10400 Fernwood Road, Bethesda, Maryland (further described as Rock Spring Center Pt. Pars 6 & 12 (Tax Acct. No. 04- 01567726)) is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 60, provided that the Applicant files an executed Declaration of Covenants (Exhibit 61) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council

**FLOATING ZONE PLAN AMENDMENT APPLICATION
DISCLOSURE STATEMENT**
(Revised October 14, 2014)

State law requires that each and any Applicant for a local zoning map amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount and the date of the contribution.

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within 5 business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made. If more than one applicant is involved in a single application, each applicant must file this statement.

Subject to the penalties of perjury, I, ELP Bethesda, LLC

(NAME OF APPLICANT FOR FLOATING ZONE PLAN
AMENDMENT OR PARTY OF RECORD)

HEREBY AFFIRM that the contents of this statement are true to the best of my knowledge, information and belief, and that: (SELECT EITHER 1 OR 2 BELOW AND CHECK APPROPRIATE STATEMENT)

☐ 1. I HAVE made a contribution of _____
(FILL IN AMOUNT OF CONTRIBUTION IF \$500 OR
MORE, OR STATE N/A IF NOT APPLICABLE)

on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),

to the following candidate's treasurer, political committee, or slate:

(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF INAPPLICABLE)(If more
space is required, use the back of this form.)

☒ 2. I HAVE NOT made a contribution requiring disclosure.

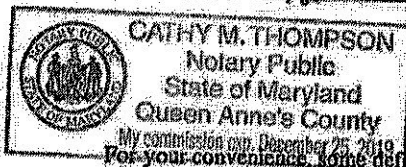
Susan L. Oliveri
SIGNATURE OF DECLARANT

Susan Oliveri, General Counsel/Officer, ELP Bethesda, LLC

This Statement is filed in compliance with the public ethics requirements of Md. Code Ann, General Provisions, §§5-842 through 5-845; 2014 Md. Laws Ch. 94. Any violations of these provisions is a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this

21st day of November, 2019



Cathy M. Thompson
NOTARY PUBLIC

My Commission Expires: 12-25-2019

Md. Code Ann., Gen. Prov. §5-842

November 21, 2019

ADDENDUM

To Whom It May Concern,

Erickson Living Management, LLC, an affiliated entity of Erickson Living Properties, LLC (the sole member of ELP Bethesda, LLC, the applicant) is reporting two contributions to Andrew Friedson.

5/15/2018 – \$1,000 to Friends of Andrew Friedson from Erickson Living Management, LLC

10/17/2018 – \$1,000 to Friends of Andrew Friedson from Erickson Living Management, LLC

Sincerely,



Susan Oliveri
General Counsel/Officer
Erickson Living Management, LLC



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

OFFICE OF THE CHAIR

April 2, 2020

Ms. Lynn Robeson Hannan, Director
Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

SUBJECT: Local Map Amendment Application H-135
ELP at Rock Spring

Dear Ms. Hannan:

At its meeting on March 26, 2020, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment Application H-135, a request to rezone the 33.64-acre property located at 10400 Fernwood Road, Bethesda from the CR-1.5, C-0.75, R-0.75, H-150 Zone to the CRF-1.5, C-0.75, R-1.5, H-150 Zone. The Planning Board also reviewed a Preliminary Forest Conservation Plan, Application number H-135, associated with the Local Map Amendment. During the hearing, the Planning Board received a presentation from Planning staff and one from the Applicant team.

Staff concluded that the proposed CRF-1.5, C-0.75, R-1.5, H-150 Zone and the associated Floating Zone Plan are consistent with the 2017 *Rock Spring Sector Plan*, satisfy all applicable requirements and findings for approval of a Local Map Amendment as specified in the Montgomery County Zoning Ordinance, and that the applicant has met the burden of proof by showing that the proposed zone is in the public interest and will not alter the character of the surrounding neighborhood.

On a motion by Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Patterson and Verma voting in favor, the Board recommended (5-0) that Local Map Amendment H-135 be approved. The Board also approved Preliminary Forest Conservation Plan H-135. We hope the Planning Board's recommendations and the staff report will be helpful to your proceedings.

Sincerely,

Casey Anderson
Chair

CA:et:ha
Enclosure



ELP at Rock Spring, Local Map Amendment H-135

ET Emily Tettelbaum, Planner Coordinator, Area 2 Division, Emily.Tettelbaum@montgomeryplanning.org, (301) 495-4569
P.B. Patrick Butler, Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org, (301) 495-4561
CS Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

Completed: 3/16/20

Description

Request to rezone 33.64 acres from the CR-1.5, C-0.75, R-0.75, H-150 Zone to the CRF-1.5, C-0.75, R-1.5, H-150 Zone to construct a Continuing Care Retirement Community with up to 1,300 independent dwelling units, 210 assisted living/memory care units, 50 skilled nursing units, and up to 15,000 square feet of commercial space.

Location: 10400 Fernwood Road, Bethesda.

Master Plan: Rock Spring Sector Plan.

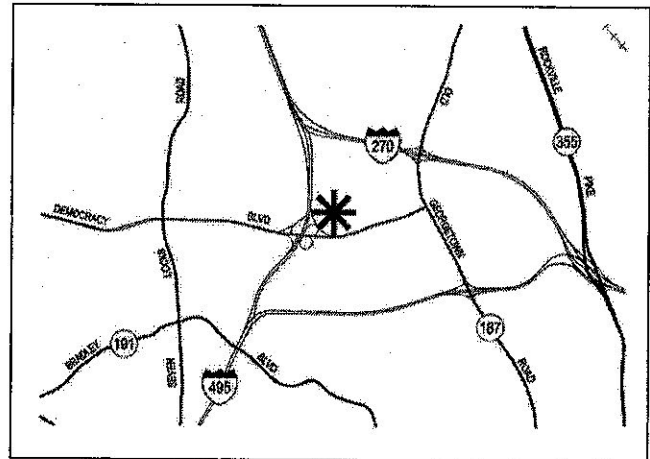
Applicant: ELP Bethesda at Rock Spring LLC.

Application Accepted: December 20, 2019.

Public Hearing by the Hearing Examiner:

April 17, 2020.

Review Basis: Chapter 59, Zoning Ordinance.



Summary

- Staff recommends approval of the Local Map Amendment (LMA) to rezone the 33.64-acre property from the CR-1.5, C-0.75, R-0.75, H-150 Zone to the CRF-1.5, C-0.75, R-1.5, H-150 Zone, with binding elements.
- The Property is currently occupied by Marriott International Headquarters which will move to downtown Bethesda in the near future.
- The proposed development addresses the large gap that will be left in Rock Spring by the departure of the Marriott headquarters.
- The Applicant requests an increase in residential density (from 0.75 to 1.5 FAR) to develop a Continuing Care Retirement Community (CCRC). The overall density limit of the current zone (1.5 FAR) would remain the same.
- A subsequent Sketch Plan, Preliminary Plan, and Site Plan will be required if the Local Map Amendment is approved.
- An associated Preliminary Forest Conservation Plan is recommended for approval in a separate staff report.
- Staff has not received any correspondence about this Application.

SECTION 1: STAFF RECOMMENDATION

Staff recommends approval of Local Map Amendment H-135 and the associated Floating Zone Plan with the following binding elements:

1. Provide 1.5 acres of contiguous open space along Fernwood Road, to be improved as a park.
2. Provide a minimum of 5,000 square feet of retail space.
3. Provide at least one major public facility that meets master plan guidance, as defined in Section 4.7.3.A of the Zoning Code, with details to be determined by the Planning Board at Sketch and Site Plan review.

At the time of Sketch Plan, Preliminary Plan and Site Plan(s) approval, the Applicant must address the following:

1. Provide consistent multimodal improvements along Fernwood Road between the I-270 spur and Democracy Boulevard, subject to adequate right-of-way being available.
2. At submittal of the Sketch Plan application, address the following recommendations from the *Rock Spring Sector Plan*:
 - a. dedication of land for needed school sites as the highest priority public amenity (page 18); and
 - b. the environment and sustainability recommendations, particularly regarding preservation of green infrastructure (page 41).
3. Consider additional internal roadway connections, specifically a more direct connection to the northern entrance to Building G/Garage from "Connector Internal Drive."

SECTION 2: PROPERTY AND PROJECT DESCRIPTION

Vicinity

The 33.64-acre Property, identified as Lot N737 Rock Spring Park, Part of Parcels 6 and 12, is the current location of Marriott International Headquarters. It is located at 10400 Fernwood Road and bordered by the I-270 spur to the west, Fernwood Road to the north and east, and an office park/hotel complex to the south. Two large office park complexes and a townhouse development are located on the north side of Fernwood Road, opposite the Property.

The Staff-defined Neighborhood is outlined in yellow in Figure 1 and generally bound by Rockledge Boulevard to the east, Rockledge Drive to the north, Westlake Drive to the west and Democracy Boulevard to the south. The Staff-defined Neighborhood is primarily commercial in character and includes office buildings, Westfield Montgomery Mall, a hotel, a Home Depot and a car dealership. The Neighborhood also includes one residential development, the Montgomery Row townhouse community across the street from the Property on Fernwood Road. Further residential development is planned for the area with a site plan approved in 2018 for a 343-unit multi-family building on the north side of Westlake Terrace (Ourisman Ford Site Plan no. 82009014B) and pending Preliminary/Site Plan applications (nos. 12005018C and 82005003E) for 717 multi-family units at Westfield Montgomery Mall.

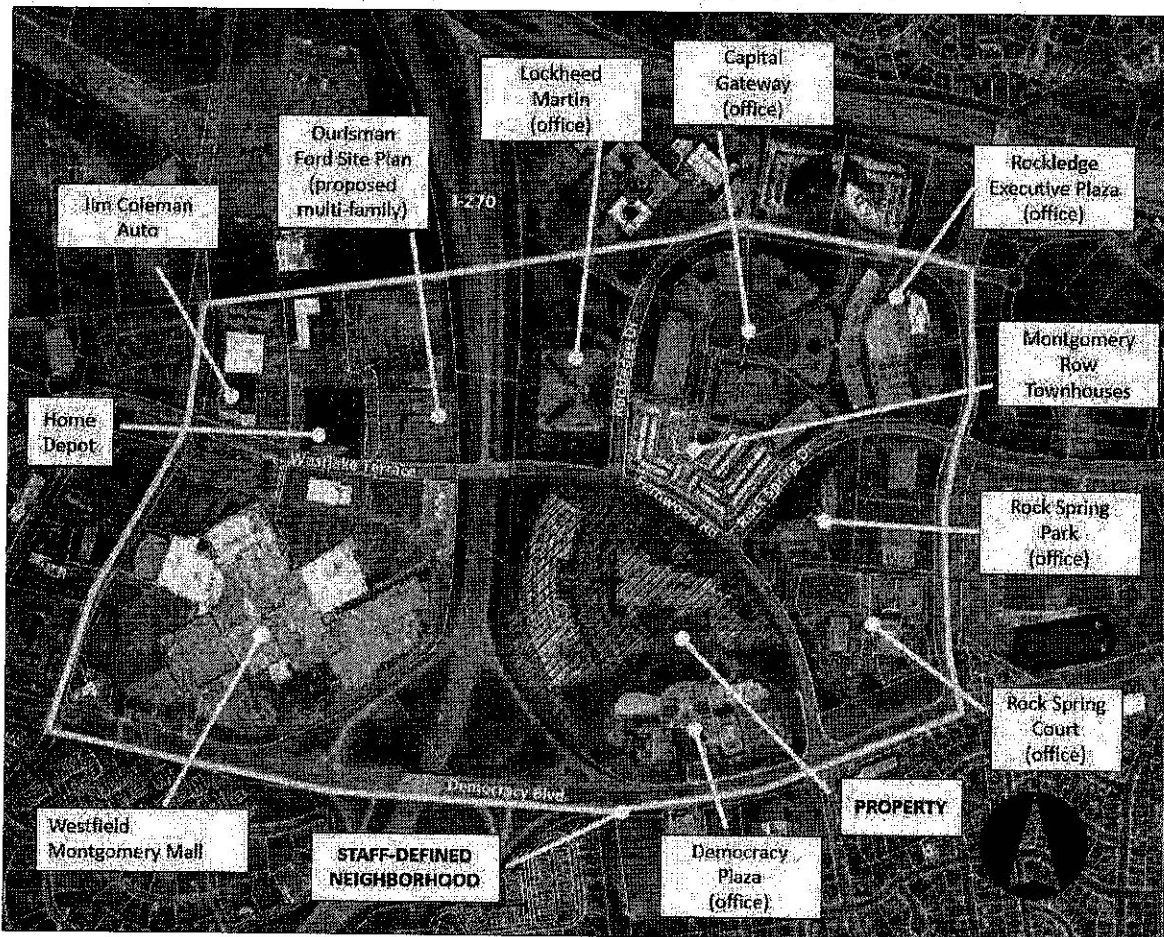


Figure 1: Vicinity Map/Staff Defined Neighborhood

Property Description

The Property is improved with the 775,000-square-foot Marriott headquarters office building located towards the center of the Property, and a three level curvilinear structured parking garage located on the western side of Property. Large surface parking lots cover much of the Property between the parking garage and the office building and along Fernwood Road. The Property contains approximately 2,718 vehicle parking spaces. A gravel road that transitions to dirt is located between the garage and the western Property line, along I-270. The Property has a number of WSSC, storm drain, and other types of existing easements.

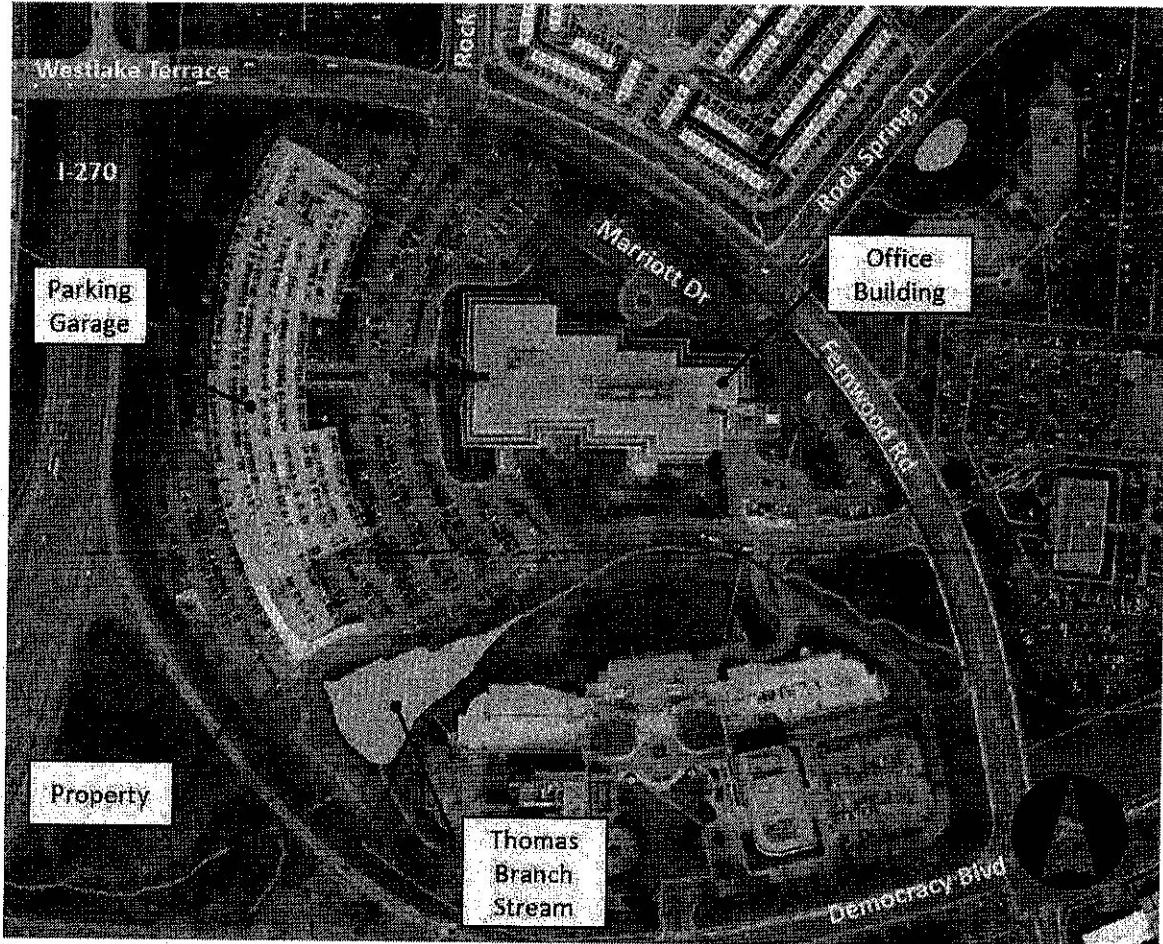


Figure 2: Aerial View of Property (Property outlined in red)

The Thomas Branch stream runs along the southern boundary of the Property which also contains areas of wetland and FEMA designated floodplain. There are no forested areas onsite, but the Property contains a number of specimen trees. There are areas of steep slopes, 25% and greater, located primarily on the south and west portions of the Property.

Existing Transportation Access and Transit Service

The Property fronts on Fernwood Road, which turns into Westlake Terrace heading west towards the bridge over the I-270 spur. Access to the Property is provided by four driveways, including three signalized, full-movement access points on Fernwood Road. The southernmost entrance is located at a signalized intersection with a shared access drive that also provides access to Bethesda Marriott Suites and the office complex located directly south of the property; this entrance leads to employee parking and loading areas. The signalized Fernwood Road and Rock Spring Drive intersection serves as the primary entrance to Marriott International, with low brick walls and brick pavers demarcating the formal entrance into Marriott's campus. An entrance at the signalized intersection of Rockledge Drive and Westlake Terrace/Fernwood Road provides access to Marriott employee parking. An additional right-in, right-out only driveway is located on Fernwood Road between Rockledge Drive and Rock Spring Drive. The existing sidewalk along Fernwood Road and Westlake Terrace is six-to-seven feet wide.

There are three bus stops along the Property frontage. Metrobus routes J1 and J2 operate along Fernwood Road and Westlake Terrace, between the Westfield Montgomery Mall Transit Center, Bethesda Metrorail Station, and the Silver Spring Metrorail Station on weekdays with 20-30 minute headways. Both routes operate Saturday service, but only the J2 operates on Sunday. Ride On routes 6, 26, 47, and 96 operate weekday service on Fernwood Road; routes 26 and 47 also operate service on Saturday and Sunday.

Zoning/Regulatory History

The existing office complex was the subject of site plan nos. 819841670, 819850860, and 819940180 at which time the Property was located within the I-3 Zone. In 2014, the Property was rezoned to EOF-0.75 under District Map Amendment G-956. In 2018, Sectional Map Amendment H-126, which implemented the recommendations of the 2017 *Rock Spring Sector Plan*, rezoned the Property to the current zone, CR-1.5, C-0.75, R-0.75, H-150.

Proposal

The Applicant plans to demolish the existing office building and redevelop the Property with a Continuing Care Retirement Community (CCRC) as demonstrated in Figure 3 and Attachment 1. The proposed CCRC will include up to 1300 independent dwelling units, 160-210 assisted living/memory care units, and 30-50 skilled nursing units. The facility will employ approximately 650 full-time staff. In addition to the residential units, a total of approximately 100,000 to 130,000 square feet of amenity space will be provided within the CCRC including food service, recreation areas, exercise rooms, and medical support space. At the request of Staff, the Applicant has included 5,000- 15,000 square feet of commercial space to help activate the Fernwood Road Property frontage, with the final location to be determined at subsequent regulatory approvals.

Along Fernwood Road, the proposed buildings will be oriented towards the street and a 1.5-acre civic green/park will be located southeast of the Fernwood Road/Rock Spring Drive intersection (Figure 3). A proposed linear park will wrap around the western and southern sides of the Property with a walking trail along the stream and the rear of the Property and connecting with Fernwood Road at the western Property terminus. This walking trail will be open to the public. In addition, a number of green spaces will be provided internal to the Property for the benefit of residents.

Transportation Access

The Applicant proposes to utilize existing vehicular access at the three signalized intersections and will eliminate the right-in/right-out driveway. The portion of the southern access road west of the entrance to the adjacent property will be relocated further to the north, out of the stream valley buffer. The other two access points will be located at signalized intersections in approximately the same location as the existing driveways, one at Fernwood Road and Rock Spring Drive, and the other at Fernwood Road and Rockledge Drive. A system of proposed private streets and sidewalks will provide internal circulation throughout the Property while overhead walkways will connect the proposed buildings for residents and staff. A total of 1,800 parking spaces are proposed, the majority of which will be provided in the existing structured parking garage or a new below grade parking garage.

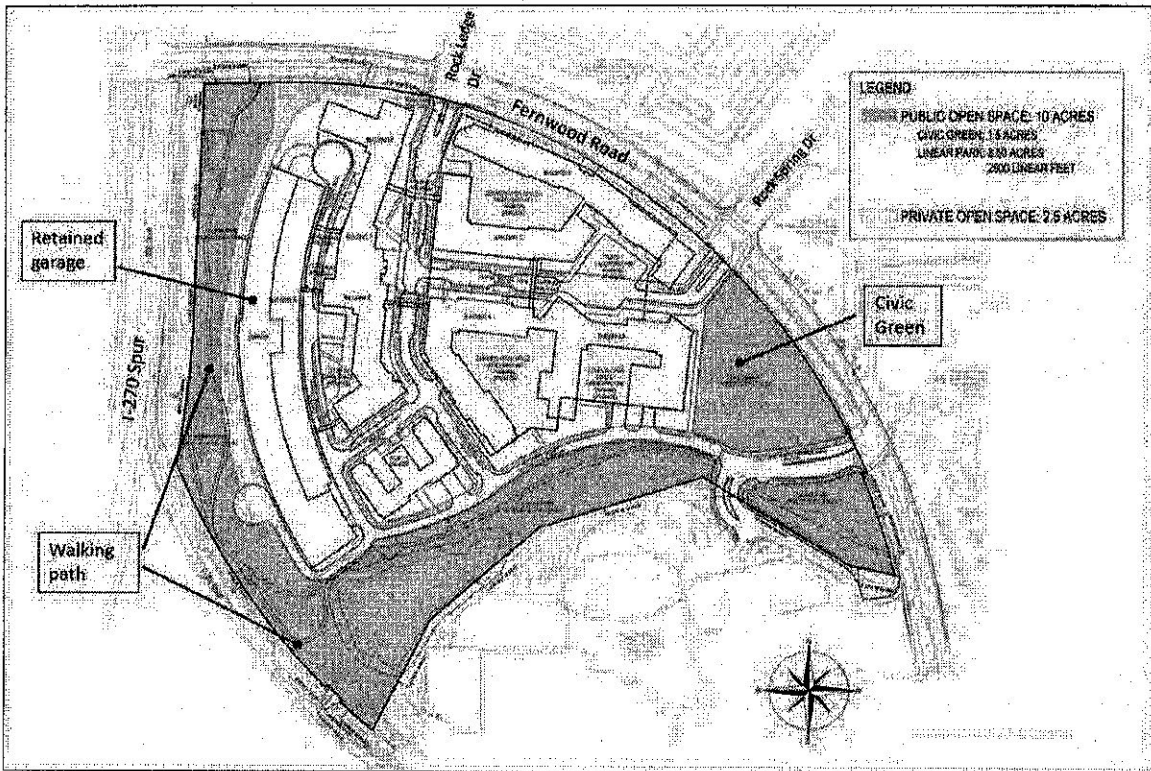


Figure 3: Floating Zone Open Space Plan

The Property's Fernwood Road frontage will be improved with a 10-foot wide protected bike lane and a seven-foot-wide sidewalk consistent with the 2019 Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans. Staff will require the Applicant to provide consistent streetscape improvements along Fernwood Road between the southern terminus of the Property and Democracy Boulevard. Future consideration is necessary for pedestrian and bicycle facilities at the Property's three proposed access points. Internal sidewalks and pedestrian facilities will be determined through the development review process.

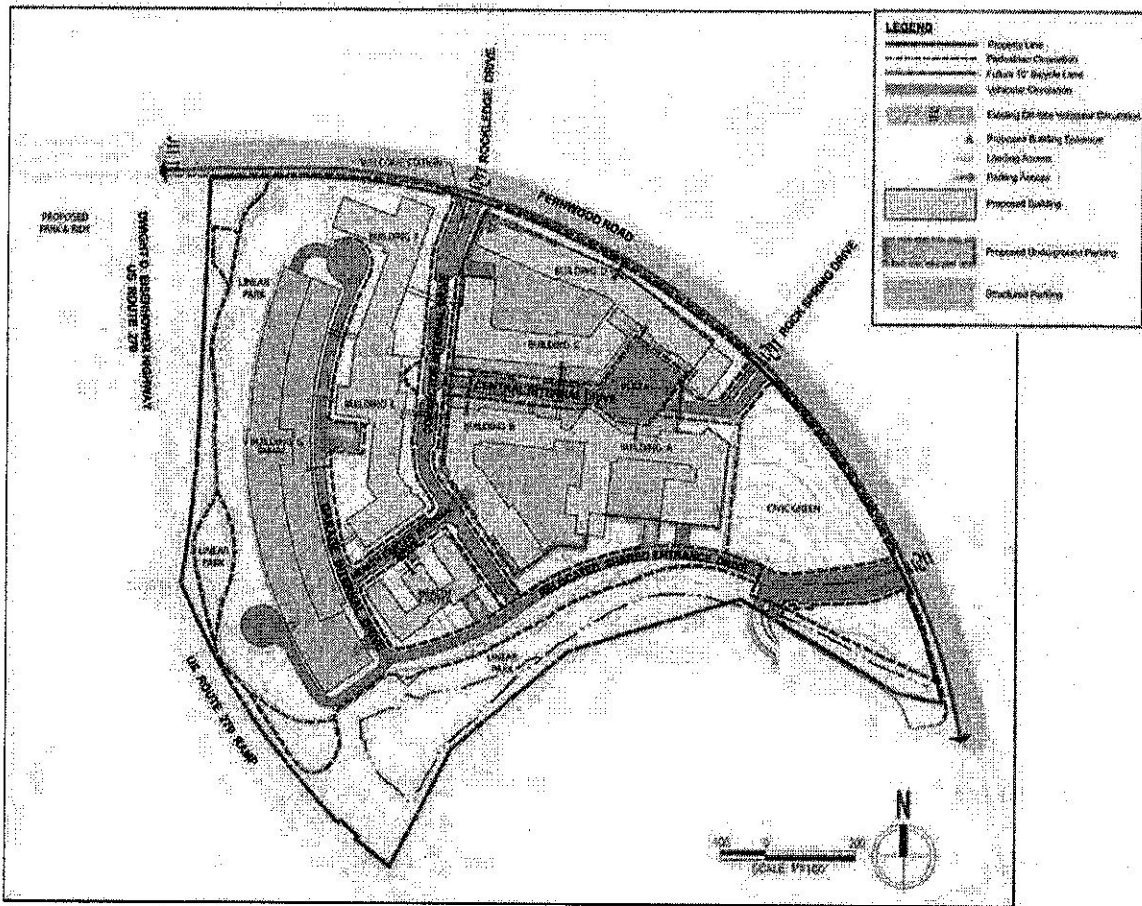


Figure 4: Circulation Plan

Site Design and Architecture

The Project includes eight new buildings that will generally range in height from six stories up to 13 stories, which must comply with the height limits of the zone, and will also include a one-story marketing center and pavilion building. The existing two-story parking garage in the western portion of the Property will be retained and reused, and four stories of residential development will be built atop of it.

Each of the independent living buildings will house an average of 150 to 200 residential units, with elevated enclosed bridges connecting buildings. The bridges will provide connectivity, allowing the residents to move freely between the buildings in a climate-controlled setting. Most of the CCRC's common areas such as dining rooms, libraries, and spaces for fitness, wellness, arts, meetings, etc. will be dispersed among the buildings at ground level, with many having a direct connection to outdoor landscaped areas and interior courtyards.

Proposed buildings along Fernwood Road will front onto the road to promote street level activity. The Applicant anticipates a small amount of retail located at the corner of the entrance drive, across from Rockledge Drive and a café/coffee shop along the eastern end of the frontage, near the civic green.

Pocket parks will be also provided along the sidewalk and the buildings fronting on Fernwood Road will include private terraces.

The Applicant describes the proposed architecture as follows:

The buildings will be designed to create a human scaled architecture by employing a variety of methods including varying building heights of six to 13 floors; massing that is broken down by volumetric offsets, bays, balconies, varying roof lines and roof terraces if and where appropriate; clearly expressed bases with taller ground floor heights; accentuated building corners; and main entries. A variety of elevational compositions, materials and color palettes will provide variety between the buildings, while maintaining continuity and compatibility between the buildings, to reinforce the overall CCRC's identity as a whole and singular community.

Architecture, landscaping, and site design details will be reviewed and approved by the Planning Board at subsequent Sketch, Preliminary, and Site Plan applications.

Community Outreach

The Applicant has complied with the required notification signage and has informed all of the adjacent property owners, community organizations and homeowners associations within one-half mile of the Property about the Application and the proposed Project. Staff has not received any correspondence about this Application.

SECTION 3: FINDINGS

For a Floating zone application, the District Council must find that the floating zone plan will:

Section 7.2.1.E.2.a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;

The floating zone plan substantially conforms with the recommendations of the 2017 *Rock Spring Sector Plan* (Sector Plan or Plan). The Sector Plan recognizes the history of the Rock Spring area from its heyday as one of Montgomery County's premier office parks in the 1980s through early 2000s to the increasing vacancy rates in the late 2000s and Marriott International's plans to relocate its headquarters to a transit proximate location (page 7). According to the Plan, the relocation of Marriott would increase the office park's vacancy rate to 39%, absent other changes. The proposed development addresses the large gap that will be left in Rock Spring by the departure of the Marriott headquarters.

The proposed CCRC is consistent with the Sector Plan's overall vision to encourage the evolution of the area into, "a well-integrated, amenity-rich district for existing employers and future residents" (p 17). The project will help fulfill the overall vision by accomplishing the following overarching Plan goals

- Adding a new type of residential infill development to area's existing mix of uses, helping to reshape the area into a more well-integrated community.
- Increasing publicly accessible green spaces within the Plan area by providing a 1.5-acre civic green/park and a walking trail open to the public and an enhanced streetscape for pedestrians and bicyclists.

- Concentrating new activity along the “central spine” (Fernwood Road/Rock Spring Drive as the proposed buildings and the civic green will line the Property frontage along Fernwood Road.
 - Helping to create a safe, low stress pedestrian and bicycle network with proposed streetscape improvements along Fernwood Road.
- (p. 20)

The Plan includes the Property within the Rock Spring Central/Mixed-Use Business Campus District, identified as a traditional suburban format office park built primarily in the 1970s and 1980s. The Plan recommended the CR zone for the Property for the purpose of providing options and flexibility for infill or redevelopment in the future should circumstances change for the office buildings. Further, the Plan recognizes that redevelopment scenarios may arise that are not anticipated by the current zoning and recommends the option for a CR Floating Zone (CRF), with densities that can range between 1.5 and 2.5 FAR and building heights between 150 and 200 feet (p 35). The proposed zone, CRF-1.5, C-0.75, R-1.5, H-150, is well within these limitations.

The Sector Plan provides design and connectivity guidance for redeveloping properties within the central Rock Spring area (p.36). The floating zone plan shows that the Project achieves the important Plan design goal of prioritizing the establishment of the central spine as a pedestrian-friendly environment by orienting development towards it. Consistency with design, connectivity and environmental recommendations in the Sector Plan will be further assessed during subsequent regulatory approvals.

Open Spaces

The Sector Plan includes open space recommendations specific to the Subject Property:

- *If the Marriott site redevelops, the Plan recommends public civic gathering/green open spaces, plazas, and active recreation spaces at this location. Of the approximately 3.3 acres of required open space, one of the spaces should include a civic green of one to two acres of usable open space to accommodate large community gatherings and events. The civic green should include a large lawn area to support multiple uses including markets, festivals, and recreational uses.*
 - *The Plan recommends creating and continuing a greenway with a walking trail along the existing tributary.*
- (p. 60)

The floating zone provides a 1.5-acre civic green and a linear park area around the western and southern sides of the Property consistent with the Plan’s open space recommendations.

Public Benefits

The Sector Plan states that any application for a CRF Zone must include major public benefits (p 35). Since the Planning Board will ultimately determine the schedule of public benefits during subsequent regulatory approvals, Staff recommends that this requirement be captured as a binding element. The Applicant proposes the civic green fronting on Fernwood Road as a major public benefit and intends to retain a fee interest in this open space in order to ensure continued maintenance of it to the Applicant’s standards and alleviate the County Park’s Department of a financial maintenance burden. However, the Parks Department has indicated interest in owning and operating this 1.5-acre space. Staff will continue to work with the Applicant and the Parks department on the design and ultimate ownership of the civic green during subsequent regulatory approvals.

The Plan prioritizes the public benefits as follows:

- Dedication of land for needed school site as the highest priority public benefit.
- Providing 15% MPDUs is the highest priority public amenity for new residential development, unless the Property is required to dedicate land for a school or athletic field.
- Other major public facilities including land for parks and school athletic fields, dedications for the North Bethesda Transitway, a library, a recreation center, County service center, public transportation or utility upgrade.
- Diversity of uses and activities.
- Connectivity and mobility.
- Reuse of existing building. (p. 81)

Staff has asked the Applicant to address the need for dedication of land for school sites prior to Sketch Plan approval. Given the proposed civic green and other anticipated infrastructure improvements, Staff does not anticipate that this Property will need to dedicate land for a school, but Staff has asked the Applicant for other creative ways of addressing this recommendation. At this time, the Applicant proposes public benefit points for transit proximity, architectural elevations, exceptional design, building reuse, public open space, enhanced accessibility for the disabled, structured parking and habitat preservation and restoration.

Environment and Sustainability

The Sector Plan recommends preservation of substantial portions of the existing green infrastructure in the Rock Spring office park and taking advantage of opportunities to increase tree canopy through redevelopment with an ultimate goal of 40% tree canopy within the plan area (pg. 43). Since the Property contains a significant number of large, mature trees in good condition, Staff recommends that the Applicant work with Staff during subsequent regulatory approvals to retain existing trees to the extent practicable, especially along the Property's Fernwood Road frontage.

Master-Planned Roadways

The Property fronts on Fernwood Road, which turns into Westlake Terrace heading west towards the bridge over the I-270 spur. Fernwood Road is 80-foot wide and transitions into the 90-foot-wide Westlake Terrace to accommodate the bridge crossing over I-270.

The Sector Plan reclassified both Fernwood Road (B-2) and Westlake Terrace from arterial to business district streets, with the number of lanes reduced from four to two to accommodate a two-way separated bike lane. The reduction of lanes is also known as a "road diet." The intention is to create a "complete street" along Rock Spring's central spine that is safer for people that walk, bike, and use transit. The road diet involves reducing the four through travel lanes to two travel lanes and replacing the center left turn lanes with a single two-way left turning lane. Space from the eliminated lanes will be used for a two-way separated bike lane on the south/west side of Fernwood Road and Westlake Terrace.

Additional internal roadway connections are desired, specifically a more direct connection to the northern entrance to Building G/Garage from "Connector Internal Drive."

Master-Planned Bikeways and Bicycle Parking

The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the east side of Fernwood Road from Democracy Boulevard to Rockledge Drive, and a two-way separated bike lane on the south side of Westlake Terrace west of Rockledge Drive. However, the 2019 Urban Design Guidelines for Rock Spring and White Flint 2 Sector Plans switched the orientation of the separated bike lanes entirely to the west side of Fernwood Road and south side of Westlake Terrace. The two-way separated bike lane should be 10-feet wide and separated from the travel lane on Fernwood Road by a landscaped or concrete buffer. The two-way separated bike lane should be continued to the intersection of Fernwood Road and Democracy Boulevard. Additionally, short- and long-term bicycle parking will be required on-site.

Section 7.2.1.E.2.b. further the public interest;

The proposed rezoning furthers the public interest in a few ways. First, the proposed CCRC allows for redevelopment of the Property with a residential use consistent with the vision of the Rock Spring Sector Plan. The proposed Project takes advantage of Marriot International's departure from Rock Spring to provide a significant residential infill development in a location proximate to a rich array of goods and services.

Although the use is classified as residential, it includes a significant employment component as the CCRC will employ up to 650 full time staff. Further, the CCRC will not generate any school children that would further burden the Walter Johnson High School cluster and the new use will generate less traffic than the existing office use.

Finally, the proposed CCRC will provide additional housing options for the County's growing population of older adults.

Section 7.2.1.E.2.c. satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

Section 59-5.1.2. Floating Zone Intent Statement

The intent of the Floating zones is to:

- A. *Implement comprehensive planning objectives by:*
 - 1. *furthering the goals of the general plan, applicable master plan, and functional master plans;*
 - 2. *ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and*
 - 3. *allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and*

The proposed development is consistent with the goals of the *Rock Spring Sector Plan* as described on pages 8-10 of this report. While the proposed CCRC contributes to the goal of diversifying the uses in the Plan area by introducing a residential component, there is no impact on the school system from the proposed CCRC. The Project is designed to promote the sense of a street grid, although vehicles outside the CCRC are unlikely to circulate

through the Property given that it provides no connection to any public street. The Project incorporates restoration of the Thomas Branch stream into the proposed development and adds a linear open space with a walking trail adjacent to the stream.

The public facilities are adequate to accommodate the proposed use. The Project will reduce the burden on the transportation infrastructure by generating considerably fewer trips than the existing office use. Due to the senior age demographic of the future residents, there will be no burden on public schools. The Property is serviced by existing water and sewer, and is located within water and sewer categories W-1 and S-1.

Electric, gas, and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Subdivision Staging Policy (SSP) and will continue to be sufficient following construction of the Project.

B. Encourage the appropriate use of land by:

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
- 3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and*

Approval of the requested Local Map Amendment to increase the residential density from 0.75 to 1.5, without changing the overall permitted density, allows the soon to be vacant Property to be redeveloped with a CCRC that will serve the increasing senior population of Montgomery County. The proposed use takes full advantage of the Property's prime location to introduce a residential use to an aging office park where the existing supply of office space surpasses the demand. At the same time, the Project will decrease impact on the public roads while not burdening the public school system.

The Preliminary Forest Conservation Plan associated with the LMA application shows compliance with the Forest Conservation Law and a significant reduction in the existing amount of stream valley buffer encroachment. The existing development was built before stream valley buffers were applied to development plans. The southern entrance, access road, and other development amount to approximately 1.20 acres of existing stream valley buffer encroachment. A portion of the southern entrance road cannot be relocated out of the buffer because it also serves to provide access to the property to the south of this site.

In reviewing the Preliminary Forest Conservation Plan, Planning Department environmental staff worked with the Applicant to relocate the portion of the southern access road, located west of the entrance to the adjacent property, out of the stream buffer. An asphalt walking path for the benefit of the residents of the retirement community will be constructed on a portion of the previous road and parking area. The combined area of stream valley buffer encroachment created by the proposed road and path is approximately 0.73 acres. This constitutes almost a half-acre reduction in the existing stream valley buffer encroachment.

The *Environmental Guidelines* require that any approved stream valley buffer encroachment avoid sensitive areas, such as floodplains and wetlands; minimize the area of encroachment; and provide compensation for lost buffer function. To satisfy the *Environmental Guidelines*, subsequent regulatory applications must include measures to enhance the stream buffer function, including restoring areas where impervious surfaces are being removed, managing invasive species, and planting buffer areas with native species where not in conflict with other easements. This is a condition of approval for the Preliminary Forest Conservation Plan.

The Project provides 10 acres of open space, well in excess of the 10% of net area required.

C. *Ensure protection of established neighborhoods by:*

1. *establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
2. *providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
3. *allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

The proposed rezoning will comply with the overall density and height recommended in the *Rock Spring Sector Plan*. The change requested in this Application is an increase in the amount of residential, but not overall, density. The scale of the proposed use is compatible with the scale of development in the surrounding office park and as envisioned in the *Sector Plan*. The proposed use of the Property as a CCRC is consistent with the continued evolution of the area from an office park to a mixed-use neighborhood. The Project will provide an improved streetscape along Fernwood Road, thus framing the street in a more relevant, urbanized style that will be an improvement over the 1970s office park aesthetic of Rock Spring. At the same time, the Project will provide a generous amount of publicly accessible open space that will improve the aesthetics and livability of the Neighborhood.

Section 59-5.1.3. Applicability

The Property is currently classified in a CR Zone, rather than an Agricultural or Rural Residential zone, so a floating zone can be approved on this Property. A floating zone is recommended for the Property on page 35 of the *Rock Spring Sector Plan*, thus no prerequisites are required for this Application.

Section 59- 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. *allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. *allow flexibility in uses for a site; and*
- C. *provide mixed-use development that is compatible with adjacent development.*

This Application seeks to take advantage of the flexibility afforded by the CR floating zone to increase the amount of residential density allowed on the Property to build a CCRC, which will add to the diversity of uses in the Rock Spring community. The proposed development is compatible with adjacent development as Rock Spring evolves from a purely commercial district to the mixed-use community envisioned in the *Sector Plan*.

Section 59- 5.3.3. Land Uses

The CRF Zone allows the same uses allowed in the Euclidean CR Zone. CCRCs are classified as Residential Care Facilities in the Zoning Code. A Residential Care Facility (Over 16 Persons) is allowed as a permitted use in the CR Zone and therefore allowed as a permitted use in the proposed CRF Zone. Staff has worked with the Applicant to establish the binding elements on page 2 of this report.

Section 59- 5.3.4. Building Types Allowed

The CRF Zone allows any building type.

Section 5.3.5. Development Standards for CRF Zone

	Required/Allowed Zoning Ordinance Development Standards	Proposed
Site Area		
Gross Tract Area:		36.0152 acres / 1,588,822 s.f.
Previously Dedicated ROW:		2,3718 acres / 103,320 s.f.
Net Lot Area:		33.6439 acres / 1,465,502 s.f.
Existing Zone	CR 1.5, C-0.75, R-0.75, H-150	CRF 1.5, C-0.75, R-1.5, H-150
Density of Development Max.: (59.5.3.5.A)	2,353,233 s.f. (1,568,822 x 1.5)	2,353,233 s.f.
Independent Living		1800 units
Assisted Living		160-210 units
Skilled Nursing		30-50 units
Indoor Amenity Space		100,000 to 130,000 s.f.
Retail		5,000 to 15,000 s.f.
Building Height Max. (59.5.3.5.B)	150'	150'
Public Open Space Min. (59.5.3.1)		
10% of net area under application (59.4.5.4.B.1)		Min. 10 acres (incl. min. 1.5 acres in civic green)
(5% of public open space may be a café)	3.36 acres	1.5 acres
Civic Green		1.5 acres
Linear Park		3.45 acres (2580 linear feet)
Outdoor Café Plaza		0.65 acres
Screening, recreational facilities and landscaping	As required by 59-6	Project will comply with 59-6
Common Open Space (59.3.5.D.2.b)	N/A	Min. 2.50 acres
Parking		
Vehicle Parking (59.6.2.4.B)	0.6-1 space per independent living unit, 1-1.5 spaces per residential care facility unit, 1-5 spaces per 1000 g.s.f. recreational facilities	Approx. 1800 spaces
Bicycle Parking (59.6.2.4.C)	0.25 per 1000 s.f. / 50 spaces max.	50 spaces
Motorcycle/Scooter Parking (59.6.2.3.C)	2% of the number of vehicle spaces must be provided for motorcycles spaces in facilities with more than 50 parking spaces. Max. of 10 motorcycle spaces required.	10 spaces
Spaces for Charging Electric Vehicle (59.6.2.3.E)	Min. of 1 space/ 100 parking spaces provided in a facility must be converted to a station for charging electric vehicles.	Approx. 18 spaces
Building Setbacks Min. (59.5.3.5.B)		
Front Setback from Fernwood Drive	0'	15'-40'
Side Setback from I-270	100'	100' Min.

Section 7.2.1.E.2.d. be compatible with existing and approved adjacent development;

The proposed CCRC will be built at a scale and density that is consistent with the existing office buildings in the Staff-defined neighborhood and the proposed residential developments on nearby Westlake Terrace (the approved, but unbuilt Ourisman Ford project and the project pending site plan approval at Westfield Montgomery Mall). The CCRC use will complement the evolution of the area from a commercial office park to a mixed-use community.

Section 7.2.1.E.2.e. generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and

Fewer trips are expected to be generated by the proposed development than the existing office use. As such, the Property is not required to submit a Traffic Impact Study. The age-restricted housing use that will replace the existing office space will significantly reduce the number of peak-hour trips to and from the Property, as trip-generation rates for age-restricted housing are lower than the rates for office use. The existing 775,000 square-foot office campus generates 755 morning peak-hour trips and 796 evening peak-hour trips. As proposed, the 1,560-unit CCRC is projected to generate 218 morning peak-hour trips and 250 evening peak-hour trips.

As of 2015, morning and evening peak-hour critical lane volume (CLV) delay levels at four signalized intersections near the site operate well below the threshold for the North Bethesda Policy Area (1,550): Westlake Terrace / I-270 Interchange, Fernwood Road / Rockledge Drive, Fernwood Road / Rock Spring Drive, and Fernwood Road / Democracy Boulevard. This development proposal will not create unacceptable intersection congestion levels, as it will not generate traffic that exceeds the North Bethesda Policy Area CLV standard (1,550). Therefore, no LATR mitigation is required.

Section 7.2.1.E.2.f. when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.

Not applicable; the Property is currently under a CR Zone, not a Residential Detached Zone.

SECTION 4: CONCLUSION

The proposed CRF Zone complies with the standards and requirements for approval of a Local Map Amendment. The proposed zone and use are consistent with the goals and recommendations of the *Rock Spring Sector Plan*, are in the public interest, and will not alter the character of the surrounding neighborhood. Staff recommends approval of the Local Map Amendment and the associated Floating Zone Plan with the proposed binding elements.

ATTACHMENT

1. Floating Zone Plan

53



<p>1. 姓名: 王德胜</p> <p>2. 性别: 男</p> <p>3. 年龄: 45</p> <p>4. 民族: 汉族</p> <p>5. 籍贯: 河南省郑州市</p> <p>6. 职业: 教师</p> <p>7. 学历: 本科</p> <p>8. 婚姻状况: 已婚</p> <p>9. 健康状况: 良好</p> <p>10. 兴趣爱好: 阅读、运动</p> <p>11. 自我评价: 为人正直, 工作认真负责</p>	<p>1. 姓名: 李小明</p> <p>2. 性别: 男</p> <p>3. 年龄: 30</p> <p>4. 民族: 汉族</p> <p>5. 籍贯: 广东省广州市</p> <p>6. 职业: 程序员</p> <p>7. 学历: 硕士</p> <p>8. 婚姻状况: 未婚</p> <p>9. 健康状况: 良好</p> <p>10. 兴趣爱好: 编程、音乐</p> <p>11. 自我评价: 逻辑思维能力强, 创新意识好</p>	<p>1. 姓名: 张小红</p> <p>2. 性别: 女</p> <p>3. 年龄: 28</p> <p>4. 民族: 汉族</p> <p>5. 籍贯: 山东省济南市</p> <p>6. 职业: 护士</p> <p>7. 学历: 大专</p> <p>8. 婚姻状况: 已婚</p> <p>9. 健康状况: 良好</p> <p>10. 兴趣爱好: 园艺、烹饪</p> <p>11. 自我评价: 细心耐心, 乐于助人</p>	<p>1. 姓名: 赵国强</p> <p>2. 性别: 男</p> <p>3. 年龄: 55</p> <p>4. 民族: 汉族</p> <p>5. 籍贯: 四川省成都市</p> <p>6. 职业: 工程师</p> <p>7. 学历: 本科</p> <p>8. 婚姻状况: 已婚</p> <p>9. 健康状况: 良好</p> <p>10. 兴趣爱好: 钓鱼、旅游</p> <p>11. 自我评价: 经验丰富, 责任心强</p>	<p>1. 姓名: 陈丽娟</p> <p>2. 性别: 女</p> <p>3. 年龄: 35</p> <p>4. 民族: 汉族</p> <p>5. 籍贯: 浙江省杭州市</p> <p>6. 职业: 会计</p> <p>7. 学历: 本科</p> <p>8. 婚姻状况: 已婚</p> <p>9. 健康状况: 良好</p> <p>10. 兴趣爱好: 购物、看电影</p> <p>11. 自我评价: 做事严谨, 诚实守信</p>
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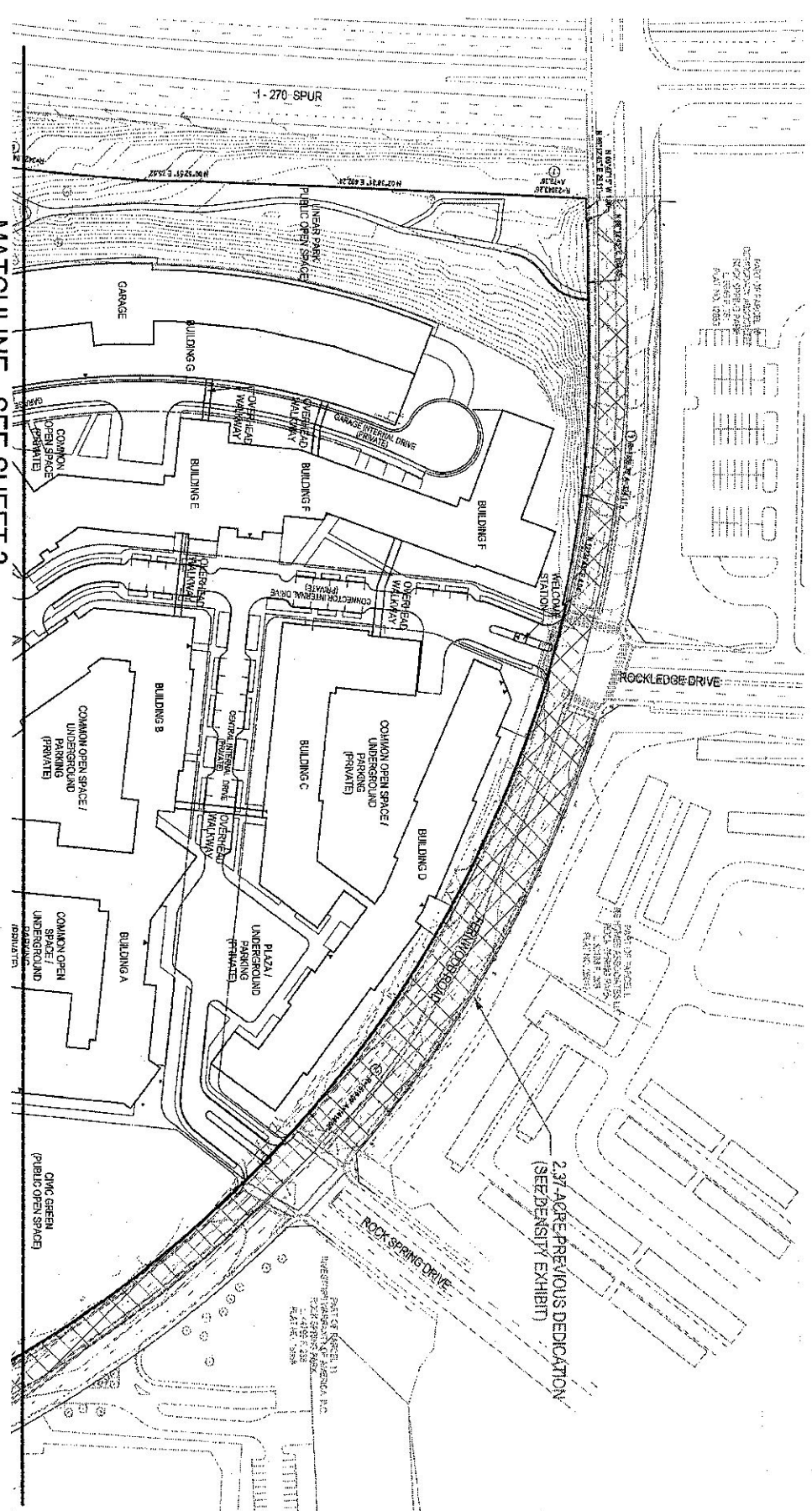
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ELPR

Rock

MATCHLINE - SEE SHEET 3



SOLTESZ, INC.
2000 W. 10th Ave. Suite 100
Rockledge, FL 32955
P: 321.444.4400
F: 321.444.4400

Project:
Location:
Scale:
Date:

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY	10/1/00	JL	JS
2	REVISED	10/1/00	JL	JS
3	REVISED	10/1/00	JL	JS
4	REVISED	10/1/00	JL	JS
5	REVISED	10/1/00	JL	JS
6	REVISED	10/1/00	JL	JS
7	REVISED	10/1/00	JL	JS
8	REVISED	10/1/00	JL	JS
9	REVISED	10/1/00	JL	JS
10	REVISED	10/1/00	JL	JS

DESIGNER'S NOTE:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE F.L.A.C. CODES AND SPECIFICATIONS.
3. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.
4. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

OWNER'S REPRESENTATIVE:
NAME:
TITLE:
ADDRESS:
CITY:
STATE:
ZIP:

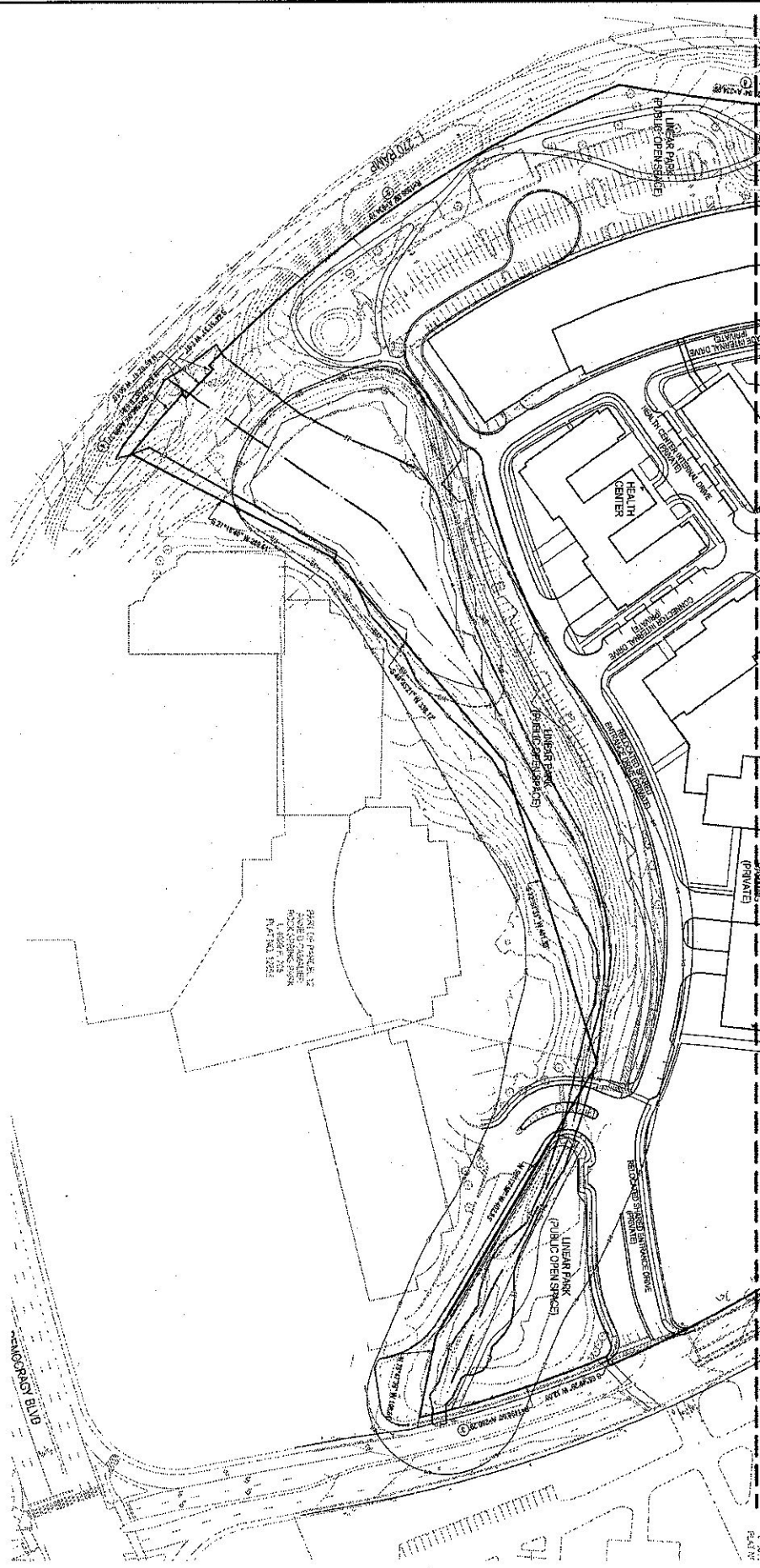
CONTRACT NO.:
SHEET NO. 1 OF 1

DATE	10/1/00
BY	JL
CHKD.	JS
DATE	10/1/00
BY	JL
CHKD.	JS



LOCAL MAP AMENDMENT
ELP BETHESDA AT ROCK SPRING
ROCK SPRING PARK, PART OF PARCELS 8 & 12

MATCHLINE - SEE SHEET 2



50 SCALE PLAN

SOLTESZ, INC.

ROCKSPRING OFFICE
2000 Rock Springs Blvd. SE
Rock Springs, WY 82901
Phone: (307) 324-1444
Fax: (307) 324-1445

DATE	DESCRIPTION	BY	CHKD
10/1/01	PRELIMINARY PLAN	J. SOLTESZ	J. SOLTESZ
10/1/01	FINAL PLAN	J. SOLTESZ	J. SOLTESZ

THIS IS A PRELIMINARY PLAN. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO CHANGE WITHOUT NOTICE.

THESE PLANS WERE PREPARED BY SOLTESZ, INC. FOR THE CITY OF ROCK SPRING, WY. THE CITY OF ROCK SPRING, WY. IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE PLANS.

DATE	10/1/01
BY	J. SOLTESZ
CHKD	J. SOLTESZ



LOCAL MAP AMENDMENT
ELP BETHESDA AT ROCK SPRING
ROCK SPRING PARK, PART OF PARCELS 8 & 12

DATE	10/1/01
BY	J. SOLTESZ
CHKD	J. SOLTESZ

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