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VIA HAND DELIVERY
Mr. Jeremy Hurlbutt
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Twinbrook Metroplace – Site Plan Application for 1592 Rockville Pike (the "Property"), City of Rockville (the "City")

Dear Mr. Hurlbutt:

On behalf of Twinbrook Partners LLC and The Northwestern Mutual Life Insurance Company (collectively the "Applicant"), and pursuant to Section 25.17.01(a) of the City of Rockville Zoning Ordinance (the "Zoning Ordinance"), we submit this Site Plan Application (the "Application") for development of Phase I ("Phase I") of the Property that was the subject of Project Plan No. PJT2012-00002 (the "Project Plan") approved by the City of Rockville Mayor and Council (the "Mayor and Council") on June 4, 2012. The Project Plan was approved for the redevelopment of the Property with up to 792 multi-family dwelling units, a 190-room hotel with 2,000 square feet of assembly area, 162,000 square feet of office, 36,000 square feet of health club, 39,000 square feet of retail, 14,000 square feet of restaurant, and 1,278 structured parking spaces (the "Approved Project").

This Application proposes to implement Phase I of the Approved Project, for an approximate 4.20-gross acre portion of the Property (the southern-and western-most portions of the Property), located between Rockville Pike and the Chapman Avenue Extension (defined below) and south of Festival Street (also defined below). Phase I will be comprised of up to 407 multi-family dwelling units, 140,000 square feet of office, 13,500 square feet of retail, 5,300 square feet of restaurant (plus up to 1,500 square feet of outdoor restaurant seating), 44,000 square feet of health club[1], underground and aboveground structured parking, open areas and public use spaces, and related amenities (the "Phase I Project"). The remainder of the Property included in the approved Project Plan will be the subject of future site plan application(s).

[1] As explained in further detail below, 8,000 square feet of approved retail space will be allocated towards health club space.

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PROPERTY AND PHASE I DESCRIPTIONS

The Property is zoned Mixed-Use Transit District ("MXTD") and is located within the boundaries of the 1989 Rockville Pike Corridor Neighborhood Plan (the "Rockville Pike Plan").[2] The Property is composed of one parcel approximately 6.75 gross acres in size and is bounded by Rockville Pike to the west, the Metro tracks to the east, an approximately 56,449-square-foot property to the south (with Halpine Road directly to the south of that property), and an approximately 46,619-square-foot property to the north. It is also located 600 feet from the entrance to the Twinbrook Metro Station lying just southeast of the Property. The Property is currently improved with approximately 80,000 square feet of single-story retail uses and 20,000 square feet of office uses, with approximately 150,000 square feet of surface parking. The properties to the north, south, and west across Rockville Pike are similarly commercial in nature and use, with single-story retail uses and vast amounts of surface parking.

THE APPROVED PROJECT PLAN

The approved Project Plan, when fully implemented, will transform the Property into a transit-oriented, mixed-use "destination location," consisting of five buildings (two of which are included in this Application, two of which are located on the northern side of Festival Street, and one of which is located on the east side of the Chapman Avenue Extension, all as defined below). Upon full build-out, the Project Plan permits development of up to 792 multi-family dwelling units, a 190-room hotel with 2,000 square feet of assembly area, 162,000 square feet of office, 36,000 square feet of health club, 39,000 square feet of retail, 14,000 square feet of restaurant, and 1,278 structured parking spaces on the Property. The 1,278 structured parking spaces represents a 41.3% reduction from the maximum number of parking spaces that would be permitted to be constructed on the Property (2,176 parking spaces)[3]. This parking reduction was approved by the Mayor and Council at the time of Project Plan approval.

To supplement the existing Rockville Pike street grid and pursuant to the Project Plan approval, the Applicant will construct a north-south extension of Chapman Avenue (the "Chapman Avenue Extension") and a new east-west Festival Street connector road ("Festival Street") between Rockville Pike and the Chapman Avenue Extension. Both streets will be dedicated to public use at the time of final record plat, following approval of this Application, with a 70-foot right-of-way for the Chapman Avenue Extension and a 66-foot right-of-way for Festival Street, all per

[2] The Property is also located within the boundaries of the draft "Rockville Pike: Envision a Great Place" plan (the "Draft Plan"), which is still under review at the City of Rockville Planning Commission.

[3] The 41.3% parking reduction is composed of a 22% reduction based on the shared use table contained in Section 26.16.03(h)(6) of the Zoning Ordinance, and an additional 19.3% reduction pursuant to Section 25.16.03(h)(1) of the Zoning Ordinance.

the approved Project Plan. To activate the Property along the important Rockville Pike frontage, a landscaped, pedestrian promenade will be provided between Rockville Pike and the Project. The Project also includes open areas and public use spaces and plazas, and courtyard and green roof amenities for residents and employees of the Project.

SITE PLAN DESCRIPTION

The Application proposes to develop Phase I of the Property with the buildings labeled as Building 1 and Building 2 on the approved Project Plan. Building 1 is an office building adjacent to Rockville Pike (10 stories, or 120 feet in height) and Building 2 is a residential building located east of Building 1 near the southern end of the Chapman Avenue Extension (10-14 stories, or 150 feet in height), as shown on the site plan submitted with the Application (the "Site Plan"). Building 1 and Building 2 will wrap around a seven-level parking garage (with two levels belowground and five levels aboveground, almost entirely screened by the two buildings) containing up to approximately 781 parking spaces. The Site Plan proposes development of Phase I with up to 407 multi-family dwelling units, up to 140,000 square feet of office, up to 19,000 square feet of retail of which no greater than 9,000 square feet will be restaurant uses (plus up to 1,500 square feet of outdoor restaurant seating), and up to 44,000 square feet of health club[4]. The Phase I Project also includes dedication and construction of all public streets proposed by the Project Plan (Festival Street and the Chapman Avenue Extension), with the exception of the Chapman Avenue Extension located north of Festival Street which will be the subject of future phase(s).

During implementation of the Phase I Project, the buildings in the portion of the Property that is the subject of this Site Plan will be demolished; however, the Phase I Project includes an interim condition relative to the Festival Street right-of-way. A portion of the existing Pier 1 building (located outside of Phase I on the northwest end of Festival Street) extends into the proposed Festival Street right-of-way by approximately 15 feet (extending into the proposed sidewalk and parallel parking spaces along the northwest end of Festival Street). While build-out of the Phase I Project includes construction of the Festival Street right-of-way, Pier 1 will continue to extend slightly within the right-of-way and will remain such as an interim condition in Phase I (interim surface parking for Pier 1 will be provided on the northern end of the Property outside of the Phase I area). Pier 1 will be demolished at the time of the future site plan pertaining to that portion of the Property, and the final record plat for the Property will address the manner in which this interim condition will be documented. As a result of this interim condition, that

[4] The Project Plan approved up to 36,000 square feet of health club uses. However, the Site Plan proposes to allocate 8,000 square feet of the approved retail square footage to the health club use, therefore bringing the total health club square footage to 44,000 square feet and reducing the total permitted retail square footage by 8,000 square feet.

portion of the sidewalk and the proposed parallel parking spaces along the northern side of Festival Street adjacent to Pier 1 will not be constructed until the time of such future site plan pertaining to the portion of the Property on which Pier 1 is located. However, the remainder of the Festival Street right-of-way will be constructed in the Phase I Project. Retention of the Pier 1 building will ensure that this highly visible portion of the Property remains an active, productive use during implementation of the Phase I Project, rather than a vacant lot.

Architectural Concept

The Approved Project, and the Phase I Project specifically, is a transit-oriented, mixed-use project that implements the Rockville Pike Plan and Draft Plan recommendations for an active, walkable, and vibrant destination. As one of the first significant redevelopments on this portion of Rockville Pike, the Phase I Project initiates the rehabilitation of the existing asphalt- and car-dominated strip plaza developments in this area, with an eye towards the future. As such, the Phase I Project (and the Approved Project as a whole upon build-out) will serve as a catalyst for purposeful and meaningful human-scaled, "smart growth" development.

Facing Rockville Pike is Building 1, the office building, whose program also includes restaurant, retail, and fitness venues. The massing is subtly divided into a broader volume along Rockville Pike and a smaller, slightly taller one along Festival Street. Each sits atop a shallow arcade of columns. Generous window walls framed in metal panels provide a sleek contemporary look without being obtrusively modern. Subtle subdivisions of the glass surfaces are based on a five-foot module and provide visual interest with both vertical and horizontal moves that animate the skin. The balance of the building facades are punched windows and precast panels at a more reasonable scale facing the residential building (Building 2). There are two main pedestrian entrances to Building 1 – the first is located along the Rockville Pike side of the building and features an inviting canopy entrance, and the second is located along Festival Street and features a three-story atrium.

Building 2 is an architecturally significant and properly proportioned residential building of up to 407 dwelling units. The massing is divided into distinct, intersecting volumes clad in masonry or panels and glass. The building's façade carefully employs layers enriching its contemporary image and feel. Alternating widths of windows animate the rhythms of glass, and accent features complement warm but light-tone colors. Alternating levels of balconies and double-story articulation features enliven the façade. Of note and relating to "place," the residential building's "wave" crown establishes a strong identity for the Phase I Project. It is the overall Project's intention and attention to the scale of the street space that, along with the distinctive architecture, will identify the Project as *the* address on Rockville Pike to live, work, play, dine, shop, exercise, and gather.

Building 2 is a modified U-shape enveloping an above-grade parking structure and opening up toward the office building adjacent to Rockville Pike (Building 1). The main wing of Building 2 along the Chapman Avenue Extension rises higher than the other two wings (this is capped by the "wave"). The wing along Festival Street steps down, further reducing the overall building scale, allowing more sunlight, and introducing a pedestrian scale onto Festival Street. A courtyard located on top of the structured parking between the two buildings is thus wrapped on three sides.

Both the office (Building 1) and residential (Building 2) buildings are designed to complement each other's contemporary clean lines. Each is designed to be seen individually but with respect to an overall whole. Additionally, glass storefronts link the two buildings along Festival Street, providing a continuously active pedestrian and architectural experience throughout Phase I.

The structured parking for Phase I, located between and below portions of Buildings 1 and 2, is entered on three sides, with one primary entry point on the Chapman Avenue Extension and one on Festival Street, with the other access located off the private alley on the southern end of the Project. The parking structure is lined with the residential and fitness program, and in the limited area where it is exposed is treated with a careful articulation of meshed screens. Clad in masonry or precast concrete, these parts of the overall building easily meld with the others providing seamless continuity for pedestrians and the overall architecture.

Landscape Concept

The landscaping proposed for the Phase I Project implements that conceptually approved at the time of Project Plan, and consists of streetscapes along public streets and green roof areas atop several levels of roof area. The public streetscapes include a significant promenade along Rockville Pike, with 30-foot-wide sidewalks intended to be adjoined by ground-floor retail uses. The sidewalk will be paved in unit pavers and appointed with a variety of seating opportunities, both fixed and moveable. A double row of Willow Oak trees will shade that space. Within this promenade will be located a series of bioretention cells with a rich palette of perennials and shrubs that thrive in moist conditions. One of the rows of Willow Oaks will be planted within those bioretention cells as well. The Chapman Avenue Extension and Festival Street will each be furnished with the same unit pavers found along Rockville Pike to unify the Phase I Project area. A regular rhythm of street trees in planters will also be positioned along those streets.

At the southeast corner of the Property on the Chapman Avenue Extension will be an intimate public plaza area at the main entrance to the residential building (Building 2). This plaza is the first impression that Metro users will have of the Project and will, in effect, become a front door to the Phase I Project for those arriving by transit. The plaza will include unit pavers, fixed

seatwalls, umbrella tables, and a bosque of trees to provide a shaded canopy to the space. This space will include an additional area of bioretention adjoining the west face of the building.

On the fifth level of Building 2, atop the parking structure, is a courtyard and rooftop garden for the use of the residents of the Phase I Project. This area will include plantings, walkways, seating, and an open lawn area for small active recreation, as well as green roof area. A variety of canopy and flowering trees will provide both shade and seasonal color. Two small residential wing rooftops adorn upper roof levels of Building 2, and feature small overlooks of approximately 350 square feet on each wing for seating, grilling, and small gatherings for the residents. In addition these roof areas feature extensive green roofs over 30% of their area.

The uppermost rooftop of the residential building (Building 2) will include a swimming pool and deck area. The pool is approximately 1,400 square feet and the deck exceeds that area by half again. This area will be a cooling respite in the summer for residents, as well as a gathering area for social events. The pool consists of a linear pool with four-foot depth suitable for swimming, and also a small sunshelf with six-inch water depth, allowing for the placement of deck chairs in the water.

REQUIREMENTS FOR SITE PLAN APPROVAL

Pursuant to Section 25.07.01(a)(3)(b) of the Zoning Ordinance, a site plan that implements all or a portion of an approved project plan is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved project plan and where the application will not:

(i) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

(ii) Constitute a violation of any provision of this Chapter or other applicable law; or

(iii) Be incompatible with the surrounding uses or properties.

The Application satisfies all of the requirements for approval of a site plan, as follows:

I. The Site Plan complies with the conditions and requirements of the approved Project Plan.

The Site Plan implements Phase I of the Project Plan, and is consistent with the approved Project Plan, taking the design of the first phase of the Project to the next level of detail. The Project Plan conditions of approval are listed in italics below, and the manner in which this Site Plan Application satisfies these conditions follows.

1. *Submission, for approval of the Chief of Planning, of twelve (12) copies of the Project Plan (on sheets no larger than 24 inches by 36 inches) to be submitted prior to submission of a site plan application.*

The Applicant submitted the Project Plan to the Chief of Planning for approval on August 6, 2012.

2. *Submission, for approval of the Chief of Planning, of twelve (12) copies of the landscape and architectural plans (on sheets no larger than 24 inches by 36 inches) to be submitted prior to submission of a site plan application.*

The Applicant submitted the Project's Plan landscape and architectural plans to the Chief of Planning for approval on August 6, 2012.

3. *Submission, for approval of the Planning Commission, of a final record plat or plats to subdivide the property into record lots and dedicate land to public use, after related site plan approvals and prior to issuance of a building permit.*

The Applicant will comply with this condition following approval of this Site Plan Application for the Phase I Project, and prior to issuance of a building permit.

4. *That the applicant work with the Washington Metropolitan Area Transit Authority (WMATA) and the Department of Public Works to come to agreement on a final design for Chapman Avenue that accommodates the needs of WMATA around the entrance to the WMATA parking garage and leading to the Metro Station.*

The Applicant met with WMATA on July 23, 2012 and August 29, 2012, and continues to coordinate with them on final design for the Chapman Avenue Extension. The Applicant has also received feedback from the City's Department of Public Works ("DPW") regarding this improvement. While the Applicant is willing to comply with the stated requirements of the City and WMATA, there is some discrepancy between City and WMATA input and thus these discrepancies need to be worked out between the two agencies, in coordination with the Applicant, prior to approval of the final design.

5. *Applicant must design and construct the proposed improvements in Phase 3 (Lot 1, Block B) in accordance with WMATA's Adjacent Construction Project Manual, and the applicant must obtain WMATA's written approval of the applicant's design and construction methods prior to the start of any construction or excavation activity on Lot 1, Block B.*

The Applicant has been meeting with WMATA to discuss the requirements of WMATA's Adjacent Construction Project Manual. While this Site Plan Application does not pertain to Lot 1, Block B (which will be the subject of future site plan application(s)), the Applicant has submitted a package to WMATA to begin the Adjacent Construction review and approval process, and will obtain WMATA's written approval of the Applicant's design and construction methods prior to the start of any construction or excavation activity on Lot 1, Block B.

6. *Show the chamfered corners of the property lines at all intersections.*

The approved Project Plan reflects the required chamfered corners of Property lines for all intersections, and the Site Plan reflects the corners as approved by the Project Plan for the intersections contained within the Phase I area.

Department of Public Works (DPW)

7. *Comply with the conditions of DPW's Development Stormwater Management (SWM) Concept Approval Letter dated December 20, 2011.*

The Applicant is continuing to coordinate with DPW staff, and has included with this Application a Development Stormwater Management Concept Plan that reflects compliance with DPW's Development Stormwater Management Concept Approval Letter dated December 20, 2011.

8. *Comply with the conditions of DPW's Water and Sewer Authorization letter dated January 25, 2012.*

The materials submitted with the Application reflect the sizing required per the Water and Sewer Authorization letter dated January 25, 2012. The Applicant will continue to meet with DPW through final design to refine the wet utility layout.

9. *Show the type, location and species of trees in stormwater management facilities that are being used to meet other landscape and/or forestry site requirements on the site plan, and to be approved at final engineering.*

The Landscape Plans and Development Stormwater Management Concept Plan included in this Application show the trees presently intended to be included within stormwater management facilities, and the Applicant requests confirmation of the flexibility to adjust these proposed plantings up until the time of final engineering approval. The Applicant has also submitted the Final Forest Conservation Plan with this Application. However, it is the Applicant's understanding that the Final Forest Conservation Plan will not be approved until after Site Plan

approval and at the time of final engineering, so that it can accurately reflect the trees to be included within stormwater management facilities as determined at final engineering.

10. *The applicant must work with the dry utility companies (i.e., gas, telephone and electric) at site plan stage to determine the location of utilities and any special treatment (i.e., conduit). When not located in a Public Utility Easement (P.U.E.), dry utilities will only be permitted to be located under the eight-foot sidewalks. The applicant must provide confirmation that the utility companies will be able to locate their facilities in this limited area prior to site plan review by the Planning Commission. The location of dry utilities outside of a P.U.E. must be shown on the site plan.*

The materials submitted with this Application reflect the locations of dry utilities as currently proposed and in compliance with this condition. The Applicant is continuing to work with its utility consultant and the dry utility companies to refine location of the dry utilities.

Traffic and Pedestrian Circulation and Traffic Mitigation

11. *Safe and adequate access for all modes of transportation must be provided throughout all phases of development.*

The materials submitted with this Application demonstrate compliance with this condition for the Phase I Project. Future site plan application(s) will similarly demonstrate compliance.

12. *Pedestrian Access*
    a. *The applicant is required to construct a six-foot wide sidewalk along its Rockville Pike street frontage.*

The Site Plan reflects that a six-foot sidewalk is being provided along the Rockville Pike frontage of Phase I.

    b. *Sidewalk widths along Festival Street and Chapman Avenue extended must be a minimum of eight (8) feet in width. No building structure, awnings, doors, or windows may extend into the eight-foot free and clear width. Outdoor cafes, providing table and chairs for eating and/or drinking, shall only be permitted on private property.*

The Site Plan reflects that an eight-foot sidewalk is being provided along the Chapman Avenue Extension and Festival Street (with the exception that the interim condition of the sidewalk around Pier 1 will be slightly less than eight feet, but the full eight-foot sidewalk width will be provided once the interim condition is removed as part of future phase(s)). In addition, no

building structures or improvements are proposed to extend into the eight-foot sidewalk area, and tables and chairs will be kept on private property.

c. *All internal sidewalks must maintain a minimum of eight-foot clear width with the exception of Condition #2(a).*

The Site Plan reflects eight-foot sidewalks for the area included within Phase I. As noted above, Pier 1 will remain in operation during implementation of the Phase I Project, and will only be demolished at the time of future site plan phase(s). The interim condition of the sidewalk around Pier 1 will be slightly less than eight feet, but the full eight-foot sidewalk width will be provided once the interim condition is removed.

13. *Traffic Mitigation*

a. *The applicant shall design, construct, and obtain permits from Montgomery County, State Highway Administration (SHA), and/or the City of Rockville as required for mitigation at the following intersections:*

i. *Congressional Lane and MD 355 – The applicant will re-stripe eastbound Congressional Lane to allow for one dedicated left turn lane, one shared left/through lane, and one dedicated right turn lane. The applicant will also be required to modify the corresponding overhead signage accordingly.*

The Applicant will comply with this condition.

ii. *Twinbrook Parkway and Chapman Avenue – The applicant shall contribute, prior to the issuance of the first building permit, a monetary contribution of $50,000 for mitigation of this intersection. The monetary contribution will be used at this intersection for modifying the traffic signal and restriping the lanes.*

The Applicant will comply with this condition.

iii. *Halpine Road and Chapman Avenue – The applicant will construct a dedicated right turn lane from southbound Chapman Avenue onto westbound Halpine Road. The applicant will also modify the northbound Chapman Avenue shared left turn and through lane to become two lanes – a dedicated left turn lane to westbound Halpine Road and a dedicated through lane.*

The Applicant will comply with this condition.

b. *Plans for the mitigation must be approved prior to issuance of the first building permit for the site. Mitigation for all intersections is required to be completed prior to occupancy of any building on the site.*

The Applicant will comply with this condition.

c. *The applicant is required to work with Montgomery County to mitigate the Parklawn Drive and Twinbrook Parkway intersection, subject to Montgomery County approval. The applicant must submit a letter to the City from Montgomery County stating their requirements for mitigation. If Montgomery County decides not to allow mitigation at the intersection, the applicant is required to make a contribution in the amount of the design and construction of the improvement to the City's Transportation Improvement CIP prior to the issuance of the first building permit. The design and construction cost will be based on an estimate provided by the applicant and agreed to by City staff. If within five (5) years of Project Plan approval, the County decides to improve the intersection, the contribution would be used to help fund that improvement. However, if the County does not use the funds within five (5) years of Project Plan approval, the City will use the contribution in the Rockville Pike Planning Area for transportation improvements.*

The Applicant will comply with this condition.

14. *The applicant shall pay the County's Transportation Development Impact Tax, as applicable, subject to allowable credits allowed by Montgomery County, prior to the issuance of a building permit. The applicant shall submit a receipt of payment to the Inspection Services Division of the Department of Community Planning and Development Services and the Traffic and Transportation Division of the Department of Public Works prior to issuance of a building permit.*

The Applicant will comply with this condition.

15. *The applicant and the City must enter into a Trip Reduction Agreement for the development and implementation of a Trip Reduction Plan consistent with the Trip Reduction Tool prior to the issuance of the first building permit. All fees and costs associated with the Trip Reduction Agreement must be the sole*

responsibility of the applicant and may not be credited in whole or in part against the Montgomery County Transportation Development Impact Tax.

The Applicant will comply with this condition.

16. *The applicant must pay the City's Transportation Improvement Fee as provided in the Comprehensive Transportation Review (CTR). The fee is $1.50/square-foot of non-residential gross floor area and $900/multi-family unit and must be paid prior to the issuance of any building permit for that building.*

The Applicant will comply with this condition.

17. *Streets*
    a. *Chapman Avenue*
        i. *The applicant must dedicate a 70-foot right-of-way and construct the Chapman Avenue extension from its south property line through the Festival Street intersection. Chapman Avenue extended must be constructed in conformance with City standards and specifications.*

The materials submitted with the Application demonstrate compliance with this condition and the approved Project Plan.

        ii. *The street cross-section for Chapman Avenue shall be in accordance with the Project Plan, to include 13-foot travel lanes, seven-foot parking lanes, seven-foot tree lawns (from face of curb) and eight-foot sidewalks. The approval of the roadway cross-sections shall constitute a waiver of any requirements of Chapter 21 "Streets and Public Improvements" of the Rockville City Code, pursuant to Section 21-20 of the Road Code, that may be inconsistent with the proposed cross-section.*

The materials submitted with the Application demonstrate compliance with this condition and the approved Project Plan.

        iii. *The applicant shall dedicate right-of-way for a 70-foot wide Chapman Avenue extended north of its intersection with Festival Street as shown on the Project Plan. The timing of such dedication is to be determined by the City and accomplished by a deed of dedication in form to be approved by the City Attorney.*

This improvement is located outside of the Phase I area, and thus future site plan application(s) will demonstrate compliance with this condition.

iv. The applicant must construct Chapman Avenue extended from Halpine Road to the south property line, including any access points to adjacent properties. The applicant is required to obtain at its own expense, any additional right-of-way or easements needed to complete the construction.

The Applicant will comply with this condition. As explained above, the Applicant is continuing to coordinate with WMATA on final design for the Chapman Avenue Extension.

b. Festival Street

i. The applicant must dedicate a 66-foot wide right-of-way and construct Festival Street from Rockville Pike to Chapman Avenue extended. Festival Street must be constructed in conformance with City standards and specifications.

The materials submitted with the Application demonstrate compliance with this condition and the approved Project Plan. As noted above, a portion of Pier 1 is located in the Festival Street right-of-way; Pier 1 will be demolished at the time of future site plan phase(s), and the final record plat for the Property will address the manner in which this interim condition will be documented.

ii. The street cross-section for Festival Street shall be in accordance with the Project Plan to include 11-foot wide travel lanes, seven-foot wide parking lanes, seven-foot wide tree lawns (from face of curb) and eight-foot wide sidewalks. The approval of the roadway cross-sections shall constitute a waiver of any requirements of Chapter 21 "Streets and Public Improvements" of the Rockville City Code, pursuant to Section 21-20 of the Road Code, that may be inconsistent with the proposed cross-section.

The materials submitted with the Application demonstrate compliance with this condition and the approved Project Plan.

c. Final road design and alignment for Chapman Avenue extended and Festival Street shall be approved at the site plan stage. City utilities shall be placed within the right-of-way or within easements as determined by DPW during detailed engineering.

Final proposed road design and alignment for the Chapman Avenue Extension and Festival Street is shown on the Site Plan and the materials submitted with the Application. The Applicant will continue to coordinate with DPW on placement of City utilities, to be finalized at the time of detailed engineering.

d. Service Driveway – The applicant shall reserve for future dedication, an area parallel to its street frontage along Rockville Pike, as shown on the Project Plan.

The Site Plan reflects reservation of that portion of the possible future service driveway along Rockville Pike that lies within the Phase I area.

18. The proposed rights-of-way delineation (per Zoning Ordinance Section 25.21.16.b.9) shall be in accordance with the following:

a. The truncation of the right-of-way at the intersection of Festival Street and Chapman Avenue (extended) will be defined as the chord that is created by connecting the two points 15 feet back from the intersecting point of the artificial extension of the right-of-way lines.

The materials submitted with the Application demonstrate compliance with this condition and the approved Project Plan.

b. All right-of-way dedication must be reflected on a final record plat to be reviewed by staff and approved by the Planning Commission and any other approving agency having an interest in the right-of-way dedication except for the area of Chapman Avenue extended north of its intersection with Festival Street, which will be accomplished by a deed of dedication.

All right-of-way dedication will be reflected on a final record plat, which the Applicant will submit for review following approval of this Site Plan Application. That portion of the Chapman Avenue Extension north of Festival Street is not located within Phase I, and will be addressed at the time of future site plan application(s).

19. The applicant will be required to abandon the area of the old Halpine Road right-of-way as reflected on the Project Plan in a manner acceptable to SHA and the City Attorney, prior to recording the plat for Phase 1.

The Applicant will comply with this condition.

20. No buildings will be permitted to be in the right-of-way at the surface level. Any use of the aerial and/or subterranean rights under or over the rights-of-way of

Chapman Avenue extended and/or Festival Street, if permitted, will be subject to an agreement with the City. Said agreement must be prepared by the applicant at their expense and approved by the City Attorney prior to recordation of any final record plat for the project.

No building or improvements will be located in, under, or over the public rights-of-way (with the exception of the interim condition relative to Pier 1, as described above).

21. *Submit a phasing plan for pedestrian access, construction access, staging, and parking for review and approval of DPW prior to issuance of any building permit. The pedestrian access plan for the construction period shall include, but not be limited to, the methods of maintaining pedestrian safety and access on the existing sidewalks, temporary closing of sidewalks for work in the streetscape zone, and pedestrian detours, as well as efforts to minimize closure of sidewalks.*

The Applicant will comply with this condition.

II. The Site Plan will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The Site Plan will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Indeed, the Site Plan will be beneficial to the general public welfare and the neighborhood. The construction of the Chapman Avenue Extension and Festival Street will create new vehicular and pedestrian linkages along Rockville Pike and will help to create a true street grid in the South Pike location and to divert traffic away from Rockville Pike. All of these public benefits will be further steps in improving the appearance, functionality, and value of this stretch of Rockville Pike and will directly benefit the public.

Residents of the City and employees working in the area of the Property will benefit from the increased pedestrian connectivity between Rockville Pike and the Twinbrook Metro Station that will be provided by the Approved Project and significantly implemented in the Phase I Project. Specifically, the Applicant will construct sidewalks along the Chapman Avenue Extension and Festival Street to create attractive, safe, and walkable linkages between Rockville Pike and the Twinbrook Metro Station. Furthermore, the Site Plan will also increase open area and green spaces along Rockville Pike and in this manner, will benefit the health and welfare of persons residing or working in the neighborhood of the Phase I Project. The design includes a landscaped promenade along Rockville Pike coupled with streetscape including pavers and street trees along the Chapman Avenue Extension and Festival Street. These plantings will provide shading and will transform the frontages into a visual amenity. The Site Plan will vastly improve the current functioning of the Property from an environmental perspective, by complying with

the City's green building and forest conservation standards, enhancing the experience of area residents, employees, and visitors to the Site Plan area, as well as complying with the City's stormwater management requirements.

III. The Site Plan will not constitute a violation of any provision of this Chapter or other applicable law.

The Project satisfies the requirements of the Zoning Ordinance.

The Property is zoned MXTD, which permits all of the uses proposed for the Phase I Project. As shown in the chart below, the Site Plan satisfies the development standards for the MXTD Zone as detailed in Sections 25.13.05(b)(1) and 25.13.05(b)(2) of the Zoning Ordinance:

Category	Requirement	Approved by the Project Plan	Proposed by the Site Plan
Height	120 feet (potentially up to 150 feet)	Up to 150 feet	Up to 150 feet[5]
Open Area (% of net lot area)	15% when residential dwellings are provided	34.2% (based on net lot area included in Project Plan)	32.4% (based on net lot area included in Site Plan)
Public Use Space (% of net lot area)	10%	12.5% (based on net lot area included in Project Plan)	14.2% (based on net lot area included in Site Plan)
Setbacks			
Public right-of-way abutting	None	0 feet	0 feet
Side (when non-residential land abutting)	None; 10-foot minimum if provided	10 feet	10 feet
Rear (when non-residential land abutting)	None; 10-foot minimum if provided	0 feet	0 feet
Build-to-line from centerline of Rockville Pike	135 feet	135 feet	135 feet
Lot Coverage (% of net lot area)	None; except that maximum of 80% of net lot area permitted when building height exceeds 120 feet	Not to exceed 80%	Not to exceed 80%

[5] As measured from the building height measuring point shown on the Site Plan.

"Special Design Regulations" of the MXTD Zone

The Site Plan satisfies the "Special Design Regulations" for the MXTD zone established in Section 25.13.07(a) of the Zoning Ordinance as follows:

> *(1) Building Location – In order to meet the intent of the Master Plan, buildings in the MXTD Zone should be located at the front property line(s), including corner lots, or the build-to line where established by the Plan. Access to the rear, if required, should be via alleys. If access is required from the front, the driveway entry should be a portal penetrating the façade of the building. The continuity of the building façade must be maintained above the drive entry.*

Building 1, located along Rockville Pike, will be constructed to the 135-foot build-to-line established in the Rockville Pike Plan. Vehicular access to Phase I will be through the north-south Chapman Avenue Extension and east-west Festival Street.

> *(2) Uses by Floor – The ground floor must contain retail or public-related service uses along those streets designated in the Master Plan as major pedestrian spines. Ground floor retail is the preferred use along other streets, but is not required. The ground floor should normally have a ceiling height of at least 15 feet. At the time of site plan review or project plan review, the Approving Authority may consider a lower ceiling height if appropriate in the particular circumstance. The upper floors may be additional retail, office, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses.*

Both buildings included in the Site Plan contain ground-floor retail, and ground-floor heights meet the 15-foot height requirement.

> *(3) Facade – The façade design must be consistent with the standards set forth in Section 25.13.05.b.2(a). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall. Section 25.13.05.b.2(a) provides that in the MXTD Zone, building facades should have a range of heights of between 45 feet and 65 feet at the street. Additional height up to 120 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.07. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet for*

some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.

The approved Project Plan permits building height of up to 150 feet, and Building 1 is proposed to be 10 stories (or 120 feet in height) while Building 2 is proposed to range from 10-14 stories (or 150 feet in height). Because the two buildings surround and are linked by a parking structure, each building can have its own identity both from a massing and architectural detailing strategy. The parking structure, which is exposed in only two small locations, rises approximately 50 feet in height and seamlessly merges with the two buildings' façades. A strong horizontal registration line occurs above the ground level retail and a subtle horizontal registration line occurs at approximately the 50-foot height zone, appropriately ensuring both a human and street scale. Each of the two building's masses is further broken down by subtle "moves" in both the horizontal and vertical directions resulting in an appearance of smaller, intersecting volumes.

(4) Fenestration – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the Planning Commission if they are used to maintain compatibility with existing contiguous projects.

Building 1 (the office building) is composed of both individually framed groups of windows facing Building 2, and of metal and glass window wall facing the larger scale sides of Rockville Pike and Festival Street. The larger expanse of individual groups of windows produces, in effect, a "punched window" composition. Along Rockville Pike, the metal and glass window wall is a careful, hierarchical articulation of small and large mullions, of transparent and spandrel glass, and of precast or metal panel components framing (at the larger scale) the window wall system, allowing an appropriate architectural signature to be achieved. Building 2 (the residential building) is composed of individually framed windows that subdivide the building. There are architectural features or zones of window wall that enhance the variety and architectural character, thereby mitigating potential monotony. Projecting balconies in combination with individually framed windows and window wall systems create a layered and domestic effect. Additionally, the different masses are articulated to have either stronger vertical readings or stronger horizontal readings.

(5) Sidewalks – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.

Sidewalks in the Phase I Project will comply with the width and design requirements established by the approved Project Plan, as described above.

(6) *Parking – On-site parking must be provided in accordance with the requirements of Article 16. Parking must be located to the side or in the rear of the buildings unless ground floor retail is provided, in which case limited parking may be allowed in the front to serve the retail uses. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.*

Parking in the Phase I Project will implement the reductions approved under the parking waiver granted by the Mayor and Council concurrently with Project Plan approval, as described above. The structured parking for the Phase I Project, located between and below portions of Buildings 1 and 2, is entered on three sides, with one primary entry point on the Chapman Avenue Extension and one on Festival Street, with the other access located off the private alley on the southern end of the Project. The majority of it is lined with the residential and fitness program, but where it is exposed in only two small locations, a careful articulation of meshed screens obscures and mitigates the normally unattractive aspects of above-grade parking. Clad in masonry or precast concrete, these parts of the overall building easily meld with the others providing seamless continuity for pedestrians and the overall architecture.

<u>"Additional Design Guidelines" for Mixed-Use Zones</u>

In addition, the Site Plan satisfies the "Additional Design Guidelines" for the Mixed-Use Zones as detailed in Section 25.13.06 of the Zoning Ordinance, whose stated purpose in subsection (a) is "to establish guidelines that will promote the highest quality of development in the Mixed Use Zones," and that "[n]ew development or redevelopment should be consistent with the intent and purpose" of these guidelines. The Site Plan is consistent with these "Additional Design Guidelines" as follows:

(b) *Aesthetic and Visual Characteristics for All Zones*

1. *Facades and Exterior Walls Including Sides and Backs – Buildings should be designed in a way that avoids massive scale and uniform and impersonal appearance and that will provide visual interest consistent with the community's identity, character, and scale. It is recommended that building walls greater than 100 feet long include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the façade along all sides of the building facing public streets.*

   (a) *Along any public street frontage building, design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length.*

Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.

(b) Buildings should include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall along those sides fronting on public streets with color, texture change, wall offsets, reveals, or projecting ribs.

As has been described in detail above, each of the two building's masses is broken down by subtle "moves" in both the horizontal and vertical directions resulting in an appearance of smaller, intersecting volumes. Along the public frontages, each building incorporates awnings or canopies. The wall surface is primarily glazed but is articulated to include columns, breaks, and recesses and to provide entry points at regular intervals. Building 1 (the office building) is composed of both individually framed groups of windows facing Building 2, and of metal and glass window wall facing the larger scale sides of Rockville Pike and Festival Street. Building 2 (the residential building) is composed of individually framed windows that subdivide the building. Projecting balconies in combination with individually framed windows and window wall systems create a layered and domestic effect.

2. Roofs – Roof design should provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls should be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.

Each building has parapets relating to the broken mass of the overall building and has mechanical penthouse enclosures conforming to the building's massing strategy. These parapets vary in height conforming to regulations. Building 2, the residential building, incorporates a subtle, curvilinear profile providing visual interest and prominence to the building.

3. Materials and Color

(a) General Provisions – Buildings should have exterior building materials and colors that are compatible with materials and colors that are used in adjoining neighborhoods. Certain types of colors should be avoided such as fluorescent or metallic, although brighter colors may be considered at the discretion of the Planning Commission.

(b) Materials Not Desired – Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials should be avoided unless the exterior surface is covered.

In general, the Phase I Project's buildings use timeless materials such as masonry and glass, but also use precast concrete, metal panels, and cementitious panels. The arrangement and combination of these materials along with light color ranges augmented with limited feature color selections will animate and provide identity and character to the streetscape and buildings.

4. Items Allowed Not Facing a Public Street – The following items are only allowed either on sides not facing a public street or in the rear yard:

(a) Window and wall air conditioners;

(b) Electric utility meters;

(c) Air conditioning compressors; and

(d) Irrigation and pool pumps;

This provision does not apply to single-unit detached, semi-detached, attached or townhouse dwellings that may be located in a Mixed-Use Zone.

Items not permitted to face a public street are located either inside of buildings or screened from view atop the roofs.

5. Entryways – Building design must include design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly visible customer entrances.

Each primary building entrance is located under a distinct canopy extending away from the primary building face and thus visible from multiple points. Secondary entry points, where they occur, are articulated in a more subtle manner. Retail entry points, being more numerous, are generally located below a continuous canopy or awning.

6. *Screening of Mechanical Equipment – Mechanical equipment must be screened to mitigate noise and views in all directions. If roof-mounted, the screen must be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.*

Mechanical equipment and structures are housed within enclosed volumes or are screened from view via parapets or paneled enclosures. These enclosures or screening devices are treated as physical extensions of the façades or with similar materials in conformance with the architectural character of the building.

(c) *Site Design and Relationship to Surrounding Community*

(1) *Vehicular Access – In the MXTD, MXCD, and MXE zones, each site must provide safety and protection to adjacent residential uses by having motor vehicle access only from an arterial, major, or business district road as designated in the Plan.*

To supplement the existing Rockville Pike street grid, the Applicant will construct the north-south Chapman Avenue Extension and the east-west Festival Street connector road, in accordance with the approved Project Plan and its conditions. Vehicular access to the Approved Project will be via the Chapman Avenue Extension and Festival Street, and both streets will be dedicated to public use as described above and in accordance with the approved Project Plan.

(2) *Buffers – Each site must provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to any property line where it adjoins residential uses or zones. The landscape buffer should include a variety of tree types at regular intervals with groupings of trees to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the buffer area.*

As previously discussed, there are no nearby residential uses, with the exception of the residents of the "Alaire" building in the Twinbrook Station project located on the south side of Halpine Road, which is itself a transit-oriented mixed-use development similar to the Project. The Property is surrounded by commercial uses along Rockville Pike to the north, south, and west and is separated from the nearest single-family residential neighborhood by industrial buildings, the Metro tracks, and the CSX/MARC rail line to the east.

(3) Outdoor Sales and Storage

(a) General Standards – Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas must be incorporated into the overall design of the building and landscaping and must be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment, except for motor vehicle and trailer sales.

(b) Prohibition of Certain Sales and Storage – Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers. Outdoor storage of motor vehicles in connection with a motor vehicle sales business is allowed.

The Site Plan does not propose any outdoor sales or storage.

(4) Trash Recycling, Waste Oil/Grease Collection Area

(a) Location – Trash, recycling, and waste oil/grease collection areas must be located at least 50 feet from any residential use, residentially zoned property, or street that is adjacent to the site, unless such operations are located entirely within an enclosed building or underground. All such areas must be properly covered or secured.

(b) Screening – All trash, recycling, and waste oil/grease collection areas that are not within an enclosed building or underground must be properly secured and covered and screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas must conform to the predominant materials used on the site.

All trash, recycling, and waste collection facilities are located internally to each building in the Phase I Project, and will not be visible to the public.

(5) Parking Lots and Structures

(a) *Parking Area Standards – Parking areas must provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Landscaping should be used to define parking areas, primary vehicular drives, and pedestrian areas in an aesthetically and environmentally pleasing manner.*

(b) *Parking Structure Appearance – Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. The parking structures' utilitarian appearance should be minimized by utilizing effective design treatments such as colonnades, planted ("green") walls, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting, and signage should all be considered for garage facades.*

As previously described, all parking in the Phase I Project is structured parking located below and between Buildings 1 and 2. The parking may be entered on three sides, with one primary entry point on the Chapman Avenue Extension and one on Festival Street, with the other access located off the private alley on the southern end of the Phase I Project. The majority of the parking is lined with the residential and fitness program, but where it is exposed in only two small locations, a careful articulation of meshed screens obscures and mitigates the normally unattractive aspects of above-grade parking. Clad in masonry or precast concrete, these parts of the overall building meld with the others providing seamless continuity for pedestrians and the overall architecture.

(6) *Pedestrian and Bicycle Flows – Each site must provide for pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development of the project. Continuous internal pedestrian walkways, no less than six feet (6') in width should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks should also connect retail uses to transit stops on or off-site and to nearby residential neighborhoods. Sidewalks should be provided along the full length of any building where it adjoins a parking lot. On-site bicycle travel must be provided in accordance with Section 25.16.06.*

The Site Plan includes a landscaped, pedestrian promenade along Rockville Pike and active streetscapes along the Chapman Avenue Extension and Festival Street to facilitate safe and

accessible pedestrian and bike linkages to the Twinbrook Metro Station. Sidewalks and streetscape will be provided in accordance with the approved Project Plan, as described above.

(7) *Central Features and Community Spaces – Development should provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer dropoff/pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces should anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these areas.*

As described above, the Phase I Project implements the open area and public use space approved at the time of Project Plan, and includes streetscapes along public streets as well as a public plaza. The public streetscapes include a significant promenade along Rockville Pike, with 30-foot-wide sidewalks intended to be adjoined by ground-floor retail uses. The sidewalk will be paved in unit pavers and appointed with a variety of seating opportunities, both fixed and moveable. A double row of Willow Oak trees will shade that space. Within this promenade will be located a series of bioretention cells with a rich palette of perennials and shrubs that thrive in moist conditions. One of the rows of Willow Oaks will be planted within those bioretention cells as well. The Chapman Avenue Extension and Festival Street will each be furnished with the same unit pavers found along Rockville Pike to unify the Project area. A regular rhythm of street trees in planters will also be positioned along those streets.

At the southeast corner of the Property on the Chapman Avenue Extension is proposed a small public plaza area at the main entry to the residential building (Building 2). This plaza is the first impression that Metro users will have of the Phase I Project and will, in effect, become a front door to the Approved Project for those arriving by transit. The plaza will include unit pavers, fixed seatwalls, umbrella tables, and a bosque of trees to provide a shaded canopy to the space.

(8) *Delivery and Loading Spaces, Hours of Operation*

(a) *Design – Delivery and loading operations must be designed in accordance with the provisions of Article 16 and located so as to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned*

property adjacent to the site, such operations must not be permitted between 10 p.m. and 7 a.m. For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level of 55 dB or less, as measured at the lot line of any adjoining property. Delivery and loading areas should be substantially set back from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals, as appropriate, to provide light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.

(b) Parking of Delivery Trucks – Delivery trucks must not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motor and/or refrigerators/ generators running, unless the area where the trucks are parked is set back at least 50 feet from residential property to mitigate the truck noise.

(c) Screening – The delivery and loading areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen must be of masonry or other suitable opaque material and at least ten feet (10') high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock.

Phase I is not located adjacent to any residential neighborhoods, but rather is located next to other commercial facilities with similar delivery and loading needs. Delivery and loading spaces for Buildings 1 and 2 are located off the private alley on the southern side of the Property or internally to the building, so as to efficiently serve the needs of the uses in the Phase I Project while remaining tucked out of the way for aesthetic and functionality purposes. Operation of the delivery and loading areas will comply with all required City regulations.

(9) Ancillary Uses – The applicant must demonstrate that any ancillary uses will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any ancillary use should be

oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

All of the uses proposed for the Phase I Project are permitted in the MXTD Zone.

(10) Noise Abatement – A noise mitigation plan must be provided that indicates how the noise initiated by the land use will be mitigated to comply with noise regulations applicable in the City of Rockville. This includes compliance with the noise regulations set forth in Chapter 31B of the Montgomery County Code.

The uses at the Phase I Project will comply with all applicable noise regulations and will produce no more noise than is permitted under City and Montgomery County regulations. Therefore it is assumed that a noise mitigation plan is not required, as there is no excess noise to be mitigated.

(11) Outdoor Lighting – Outdoor lighting shall be in conformance with the Landscaping, Screening and Lighting manual.

A Landscape, Hardscape, and Lighting Plan is included with the Application and demonstrates compliance with the approved Project Plan and the Landscaping, Screening and Lighting Manual.

(12) Landscaping – Landscaping shall be in conformance with the Landscaping Screening and Lighting manual.

A Landscape, Hardscape, and Lighting Plan is included with the Application and demonstrates compliance with the approved Project Plan and the Landscaping, Screening and Lighting Manual.

<u>The Project satisfies other applicable City laws.</u>

The Phase I Project will satisfy all other applicable City laws. At the time of Project Plan, the Mayor and Council determined that the Approved Project satisfies all Adequate Public Facilities requirements per Article 20 of the Zoning Ordinance. The Phase I Project will provide 15% Moderately Priced Dwelling Units (MPDUs) in full satisfaction of Chapter 13.5 of the City Code. The Phase I Project satisfies the tree replacement and reforestation and afforestation requirements of Chapter 10.5 of the City Code through a mix of on-site plantings and payment in lieu, approved at the time of Project Plan, and a Final Forest Conservation Plan has been submitted as part of this Application, demonstrating compliance with these requirements. The Phase I Project will also satisfy the green building regulations and the City's energy conservation standards contained in Chapter 5 of the City Code. Finally, the Phase I Project will comply with

the City's signage requirements established in Section 25.18 of the Zoning Ordinance and Chapter 19.5 of the City Code. The Applicant, or its tenants, reserve the right to request a sign variance at the appropriate time and pursuant to the City Code where compliance with signage requirements is not achievable.

IV. The Site Plan will not be incompatible with the surrounding uses or properties.

The Site Plan is not incompatible with the surrounding uses or properties. The Property is surrounded by commercial uses along Rockville Pike to the north, south, and west and is separated from the nearest single-family residential neighborhood by industrial buildings, the Metro tracks, and the CSX/MARC rail line to the east. Just south across Halpine Road is the The JBG Companies' Twinbrook Station project, a mixed-use transit-oriented development similar in nature to the Project.

The zoning on surrounding properties and the recommendations for these properties contained in the Rockville Pike Plan and the Draft Plan provide significant future development and redevelopment opportunities along the Property's western, northern, and southern boundaries. The properties to the north and south are similarly zoned MXTD and could be redeveloped with the same densities and heights as proposed for the Property. The properties to the west, north, and south are also located within the Rockville Pike Plan and the Draft Plan. Both plans recommend mixed-use, transit-oriented developments near the Twinbrook Metro Station. To that end, the Site Plan is compatible with all surrounding uses and properties as they exist today and as they are planned to exist in the future.

CONCLUSION

The Applicant respectfully requests that the City of Rockville Planning Commission grant approval of this Site Plan implementing a portion of the approved Project Plan for this mixed-use, transit-oriented development. As explained above and in the plans submitted with this Application, the Site Plan implements the approved Project Plan and complies with the conditions and requirements of the approved Project Plan, and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, constitute a violation of any provision of the Zoning Ordinance or other applicable law, or be incompatible with the surrounding uses or properties. The Phase I Project provides an opportunity to provide a high-quality mixed-use development with residential, office, health club, retail, and restaurant uses; to improve upon the existing outdated single-story commercial uses and surface parking on the Property; and to provide much-needed vehicular and pedestrian linkages and improvements between the Twinbrook Metro Station and Rockville Pike. For all of these reasons, the Applicant respectfully requests that the Planning Commission grant approval of this Site Plan Application.

Thank you for your consideration of this Application. Please contact us if you have any questions or require any additional information.

Very truly yours,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple, HD

C. Robert Dalrymple

Heather Dlhopolsky

Enclosures

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