

# STATEMENT OF APPLICANT

May 2014

STP2014-\_\_\_\_\_

## ROCKVILLE TOWN CENTER, LLC 255 North Washington Street Project

### SITE PLAN REQUEST:

The Applicant, Rockville Town Center, LLC, requests approval of a Site Plan to develop the Property at 255 North Washington Street in Rockville Town Center and implement the approved Preliminary Development Plan PDP2003-00006 with a mid-rise mixed use building of multi-family residential dwelling units and street level commercial together with amenity facilities, structured parking, and landscaped open space.

The Site Plan proposes:

Use Proposed	Description	Dwelling Units Proposed	Commercial Square footage
Residential	Multi-family du	275 du	
Commercial	Retail		6113 gsf
Total		275 du	6113 gsf

The proposed site plan is less intensive than the approved PDP that permits up to 325 dwelling units, 6549 square feet of commercial and heights to 100 feet. The project satisfied the adequate public facilities findings at the time of PDP approval and remains within its validity period under the APFO per City Code Section 25.20.03.a.3 and 25.20.04. See PDP Approval and Plan – **Attachment #1**.

### PROPERTY:

The Property is approximately 2.25 acres known as Lot 23, City Center per Plat 23592 with an address of 255 North Washington Street. The Property is bounded on the west by North Washington Street, on the south by Beall Avenue, on the north by Lots 24 and 25 – City Center, and on the north and east by the surface parking lots on Lots 8 and 12 - City Center through which the future Maryland Avenue will run. See Plat 23592 – **Attachment #2**.

Confronting the Property across North Washington Street is a gas station, and across Beall Avenue is the Town Square development including Dawson’s Market, VisArts and the

Rockville Library, and the terminus of Gibbs Street. Adjoining the Property on the north is the former Giant site under redevelopment for the JBG two story commercial building at 275 North Washington Street which is now under construction, the temporary trailer and parking lot for the Bank of America on the foundation slab of the former Giant, and the pending Brightview senior housing project whose site plan application is now under consideration. The Property touches the future Maryland Avenue right of way at its intersection with Beall Avenue but is setback between 50 to 150 feet from the future Maryland Avenue right-of-way for most of its eastern boundary.

The Property is zoned PD-KSI and located within the Rockville Town Center Planning Area. The site is located within approximately 1500 feet of the Rockville Metro Station, two blocks northwest of the metro station site.

The Property is irregularly shaped with a tapered arm of land approximately 50 feet wide and 135 feet long along the Beall Avenue frontage extending east to the section of the Maryland Avenue right-of-way that had been previously dedicated by the Applicant per Plat 23592.

The Property slopes from the high point along North Washington Street to the lowest point at Beall Avenue at the Maryland Avenue intersection. Building height, as defined in the zoning ordinance, is measured from a point in North Washington Street at elevation 449'-3-19/32".

#### **RELATED ACTIONS:**

**Preliminary Development Plan PDP2003-00006** - the preliminary development plan approved for 325 dwelling units and 6549 gsf commercial space and permitting additional retail and live/work units on any of the 3 sides of the building facing public streets. Condition 1 authorizes the Planning Commission to make reallocations of floor area and uses at use permit/site plan. Condition 2 authorizes the Planning Commission to approve the amount of each type (office, commercial, live/work) and configuration of commercial at use permit/site plan.

**Final Record Plat PLT2006-00462**, creating one lot, Lot 23, City Center, with dedications, approved by the Planning Commission on November 1, 2006 and recorded as Plat 23592.

**Site Plan Amendment STP2013-00147**, amending Use Permit U-139-63 to permit a joint driveway to North Washington Street spanning the common boundary line of Lots 23, 24 and 25 and re-stripping the parking lot of Lot 23, approved by the Chief of Planning on October 16, 2013.

**Pre-Application Meeting PAM2013-00070**, pre-application to a new site plan implementing PDP2003-00006. Pre-application community meeting held December 5, 2013.

**Use Permit USE2006-00697, 00697A & 00697B**, use permit approved for 280 dwelling units including live/work dwelling units, and 5249 gsf of commercial space, as amended, approved by

the Planning Commission November 1, 2006. USE2006-00697, as amended, expired on December 7, 2012.

**Use Permit USE1963-00139 and 139A**, use permit approved for 43,000 square foot office building with a drive-through bank office.

**Historic District Commission HDC2013-00640**, evaluation of office building in anticipation of demolition.

**Demolition Permit DEM2013-00147**, for demolition of office building.

**NRIFSD FTP2013-00018**, natural resource inventory and forest stand delineation for the site approved July 24, 2013.

**Pre-Application Stormwater Concept Plan SMP2014-00021** approved by letter dated April 10, 2014.

#### **APPLICATION:**

#### **PROJECT DESCRIPTION:**

The 255 North Washington Street project is designed to integrate with the neighborhood and will serve as a transition between the more commercial development to the north, south and east and the residential neighborhood to the west. Along North Washington Street facing the Beall Avenue gateway to the West End neighborhood, the project will emphasize a residential character reading as a series of four-story city brownstones with street level walk-out units, stoops, and entry gardens. Compatible in height and scale to Rockville Town Square to the south, the emphasis along Beall Avenue will be on retail to activate the sidewalks and draw shoppers north from the retail on Gibbs Street and west from the West End neighborhood. The Maryland Avenue façade combines six stories of residential units overlooking future Maryland Avenue including first floor loft units offering 15-18 foot ceiling height lining the interior parking podium. These loft apartment units are easily convertible for home based businesses should a business district be established along the future Maryland Avenue extension north of Beall Avenue. The northern façade is a finished residential façade above the parking and loading entrance from the driveway shared with the retail/office building at 275 North Washington and the proposed senior housing project on the old Giant site (STP2013-00172). A sidewalk connects North Washington Street to the future Maryland Avenue along the northern façade of the building. See Illustrative Renderings April 2014 – **Attachment #3**.

The Project proposes large landscaped publicly accessible open spaces along Beall Avenue at both the North Washington Street and Maryland Avenue intersections. At the

intersection of Beall Avenue and North Washington Street, a large grove of trees with lush underplantings and natural seating invites pedestrians to visit and provides a cool green respite in stark contrast to the Town Square loading docks across Beall Avenue.

On the Beall Avenue frontage at Maryland Avenue, the Project open space is designed to be a catalyst to cause, and to complement the future re-use of, a triangle of parking lot owned by others to be redeveloped as the major publicly accessible open space in Town Center Phase 2 when the future Maryland Avenue is extended north of Beall. Until then, the Beall Avenue/Maryland Avenue Project open space will have both landscaped and hardscaped areas backed by a fence to screen the headlights and views of the cars in the existing adjoining surface parking lot. The plaza area will be available for outdoor seating in the event of a café tenant.

Wide landscaped sidewalks are on all four sides of the Project providing easy circulation and connectivity to other properties and neighborhoods to the north, east, south and west.

The Project provides more than the required 15% open space in both the perimeter open space and the two interior resident courtyard spaces. The Project provides the required 10% public use space in the perimeter open space.

As part of the redevelopment, the Property will be improved with stormwater management under current codes, improved tree canopy, streetscape and street trees per current City standards, outdoor recreational areas for residents, and significant landscaped and hardscaped open space for use of the public.

The design achieves interest through varied massing with multiple volumes, heights, shapes, and orientations, fenestration of the facades, high-quality and sustainable materials, and a mix of classic and modern elements. The significant glazing on the two story Beall Avenue retail and residential amenity space element opens the building to the street enhancing the pedestrian experience on Beall Avenue and the vistas from Town Square.

## **ARCHITECTURE AND URBAN DESIGN:**

**Style.** The North Washington Street façade presents a softer, more classical Georgetown style with stoops and direct access dwelling units. At the gateway corner of Beall and North Washington the building presents a major architectural statement with a stone base and detailed brick façade and cornice. The design transitions to a more modern style along Beall Avenue which focuses on the street level commercial and the pedestrian experience. The character changes again along the future Maryland Avenue to a clean, contemporary style that is compatible to the Rockville Library and the contemporary office buildings at 400 North Washington Street and along Rt 355.

Brick, stone and linear elements make for a cohesive fresh design.

The Project has been designed with the specific design intent to provide:

- i) a project rich in architectural detail,
- ii) a range of interesting dwelling units and commercial spaces,
- iii) comfortable outdoor spaces to be enjoyed by the residents and the public,
- iv) a cohesive and integrated expansion of the Town Center,
- v) a comfortable and charming pedestrian experience;
- vi) pedestrian connectivity north, south, east and west;
- vii) resident amenity areas that engage the street and loosen the perception of distinct public and private realms; and
- viii) creative use of swm- bioretention areas that serve as landscape features.

Through fenestration, massing and setbacks, the Project also provides, in both architecture and scale, an appropriate transition from the Town Square buildings to the south and the more commercial and modern high rise buildings to the north and east, such as the Gateway Building and the office properties along Hungerford Drive.

**Massing and Heights.** The building massing varies within each street frontage and from street frontage to street frontage. North Washington Street has a four-story city brownstone façade along the sidewalk behind which is set back a six-story mid-rise. The brownstones average approximately 50 feet in height along a sloping sidewalk. The 74' mid-rise building face is setback approximately 10' creating a terrace space for the fifth floor units on the tops of the brownstones.

A major gateway element is introduced at the intersection of Beall Avenue at North Washington with the landscaped focal point, The Grove, a public use space of trees, underplantings and seating. Resident amenity space in the management/ leasing office looks out on The Grove. The corner of North Washington St. and Beall Avenue is approximately 73' in height and is capped with an architectural cornice and parapet wall. Along the length of Beall Avenue, most of the building steps back to widen the sidewalk and steps up from the two-story retail building (first floor retail and second floor residential amenity space) to six stories at Maryland Avenue (approximately 73 ft). The retail building is a gateway providing an exciting vista for the termination of Gibbs Street and a backdrop for the outdoor area extending towards Maryland Avenue.

The Maryland Avenue façade, which is setback from the future Maryland Avenue over 150 feet at the intersection with Beall and over 50 feet at the northern boundary of the Property, varies rhythmically in both height and depth along the length of the facade. A six-story building is set back from a series of five-story facades. Between each of the five-story elements is a bridge over the bio-retention garden along the east side leading up to stoops to the direct access doors to the seven loft units.

**Shadow Impact Area.** At the time of PDP approval, a shadow impact area was established and reserved for the massing and allowable heights up to 100 feet in the PDP. Although the footprint remains essentially the same, the height of the proposed building is less on all sides and the actual shadow impact area will be within that previously approved and reserved.

**Layback Slope.** The 30 degree layback slope in ZO 25.13.05.b.2.d from the property line of the closest single family home was tested to two points west of the North Washington Street façade. See Aerial - **Attachment #4.** The proposed building satisfies the layback in the zoning ordinance and is lower than the maximum height allowable under this provision. In addition, commercial properties intervene between the closest single family homes and the Property.

14 Beall Avenue is approximately 423.85 feet from the south-west corner of the proposed building. A 30 degree layback slope would permit a building height of 244 feet. The proposed building is 78'9" high as measured from the sidewalk to the roof at the southwest corner.

229 North Adams Street is approximately 363.97 feet from the northwest corner of the proposed building. A 30 degree layback slope would permit a building height of 210 feet. The proposed building is approximately 50 feet as measured from the sidewalk to the roof at the northwest corner. The six story façade behind the city brownstone façade is 73'-8" high.

**Residential Units and MPDUs.** The Project includes a range of twelve different unit types ranging from one bedroom to three bedroom units, and lofts, English basement, and two-story units. 15% MPDUs totaling 42 MPDUs are incorporated into the Project and include a range of unit sizes and types including 1, 2, and 3 bedroom units and are distributed throughout the building.

**Live/Work Units.** At the time of the PDP in 2006, there was no definition of live/work units in the zoning ordinance. Recognizing that Town Center Phase 2 north of Beall Avenue would be a transitioning neighborhood over a long period of time, the PDP proposed flexible units that could be either primarily or exclusively live, or work, or a combination of live/work as the market conditions changed over time after Maryland Avenue is constructed and a stable retail environment is established north of Beall Avenue. Since the approval of the PDP, live/work units are now defined in the zoning ordinance as primarily commercial units with accessory

living space. No retail district has yet been established or stabilized in Town Center Phase 2. Maryland Avenue has not been extended north of Beall Avenue and the proposed loft units are screened from surface parking lots serving the office buildings at 414 and 416 Hungerford Drive.

As a way of fulfilling the intent of providing flexible live + work units as discussed at the time of the PDP, seven (7) loft dwelling units with a second story bedroom, first floor work space, and direct sidewalk access are proposed facing the future Maryland Avenue. These flexible loft dwelling units can be occupied strictly as dwelling units or because of the direct sidewalk access and high ceiling heights of 15-17 feet, can easily accommodate a home based business as permitted in the zoning ordinance in its first floor space. In addition, the building will have a wifi lounge and meeting room that residents can also use to conduct their business.

These loft units are included as dwelling units in the dwelling unit count and parking calculations since they are proposed as primarily residential dwelling units, not primarily commercial live/work units as currently defined in the zoning ordinance.

**Resident Outdoor Space and Amenities.** The Project includes a two-level courtyard with private gardens on the lower level, and a pool, outdoor dining, and recreation space on the upper courtyard for the Project residents. In addition, the second story space above the retail facing Beall Avenue will provide residents with a clubhouse and terrace for indoor/outdoor socializing. Other amenities for the residents include a health and fitness center, business center, wifi lounge, management and leasing office, and a pet wash facility. Private terraces are proposed for certain upper story dwelling units. A variety of box bay windows, balconies, patios, and stoops are incorporated on each façade.

**Access.** Vehicular entrances are in similar locations to those existing on the site and as approved in the PDP and have been limited to one on Beall Avenue and a shared driveway on the north property boundary on North Washington Street. The entrance from Beall Avenue punches through the building façade and safely separates pedestrians and vehicles. The internal driveway provides access to both Beall Avenue and the shared driveway onto North Washington Street.

**Parking/ Loading/ Bike Storage.** Parking will be provided in a controlled, structured parking facility with one on-grade parking level and multiple underground parking levels to serve the residents, visitors and business patrons. The on-grade level and part of the first below grade level provides convenient parking for business patrons and visitors with dedicated elevator access to the retail/street level lobby. 23 parking spaces are provided within the building on the publicly accessible grade level and the balance of the 31 required commercial parking spaces are on the first below grade level. The remainder of the first below grade parking level and the lowest level are reserved for residents. All parts of the parking facility will be controlled access including visitor, customer, and guest parking.

306 parking spaces are provided per code to accommodate the residential multi-family

dwelling use and 31 spaces for the retail uses. Parking is calculated as follows:

Project Parking Calculation

<u>Use</u>	<u>#/Area</u>	<u>Rate</u>	<u>Required</u>	<u>Provided</u>
<b>Residential</b>				
Jr. 1 Br	36	1 sp/du x (36)	36	
1 br	177	1 sp/ du x (177)	177	
2 br	58	1.5 sp/du x (58)	87	
3 br	<u>4</u>	1.5 sp/du x (4)	<u>6</u>	
	275 du		306 sp	306 sp
<b>Commercial</b>				
Retail	6113 gsf	1/200 gsf x (6113)	<u>31</u>	
			31 sp	31 sp
<b>Total</b>			<b>337sp</b>	<b>338 sp</b>

Primary loading docks for the Project are located on the northern façade with access from North Washington Street on the shared driveway. Additional loading facilities are located immediately behind the retail building to provide convenient service to the businesses. Truck turning templates are included in the site plan set.

Bike racks are provided for the public in multiple locations at the south and north side entrances of the building. A secured bike storage room and bike maintenance facility for the residents is easily accessed from street level from either Beall Avenue or North Washington Street. Long term bike lockers are provided for the commercial users next to the commercial parking elevator on the first lower level of parking.

**CONFORMANCE WITH ZONING ORDINANCE DEVELOPMENT STANDARDS:**

As set forth in the PDP or the equivalent MXTD zone, the Project complies with the development standards.

<u>Standard</u>	<u>Required/Allowed*</u>	<u>Proposed Height*</u>
Max Height*	75' N Wash PD-KSI	74'
	85' Beall – PD-KSI	73'
	91' Maryland – PD-KSI	73'
	85' north - PD-KSI	74'
	100' Beall at MD - PD-KSI	74'

	120' MXTD	
	Vary by 10' over 250' façade	variable heights see plan
	*reference point N. Wash base elevation 449.3 feet	
Building façade at street	45' – 65'	50 +/-' N. Washington varies 34' – 61' Beall Ave
Open Area	15%	15% +
Public Use Space	10% of Open Area	10%
Min Width Front Lot Line	10'	308'
Setback		
ROW	none/10' if provided	either 10' or none each ROW prior to additional dedication
Side	none/ 10' if provided	more than 10' to north line
Rear	none/ 10' if provided	13' to east property line
Layback slope	30% from SF	complies
Mixed Use Access	Separate residential entrance lobby	provided
Street level entries	residential – min 2' stoops	stoops provided

**CONFORMANCE WITH MASTER PLAN:**

The Rockville Town Center Master Plan adopted October 2001 set forth a number of Urban Design Guidelines. The proposed Site Plan embraces, conforms and addresses these guidelines:

1. *Celebrate Maryland Avenue as the Town Center centerpiece through the use of outstanding and creative design solutions.*

The Site Plan provides: A focus on Maryland Avenue by creating a focal point at the intersection with Beall of a significant green space and plaza to attract activity, which respects and enhances the Rockville Library experience, and that will be a catalyst for additional green space north of Beall in the future, and the inclusion of flexible loft units with direct access that can respond as a retail district is established north of Beall.

2. *Celebrate North Washington Street as a high quality, mixed use street that serves as an appropriate transition to the residential neighborhoods.*

The Site Plan provides: An architecturally rich North Washington Street frontage which

reads as a series of four-story city brownstones with direct access apartments and English basement apartments, behind which is two additional stories of set-back residential units with rooftop terraces. Along North Washington Street is a charming double sided streetscape experience flanked on the road-side by the continuous tree lawn along North Washington Street and on the building side by individual landscaped gardens.

3. *Bring buildings up to the street edge and reinforce a sense of urban enclosure by placing parking behind buildings.*

The Site Plan provides: Replacement of the existing sea of asphalt with a mixed use development with street level commercial and enhanced streetscape. Parking is located within the building at both grade level and below grade. Where the building face steps back from the street edge, downtown public use spaces are created to the street edge to reinforce a strong street wall.

4. *Encourage high quality materials in all aspects of site and building development.*

The Site Plan provides: Mix of quality masonry, stone, and sustainable siding for residential space, with detailed street level building base and cornices, varied rooflines and windows, transitioning to a more modern glass and metal retail building, and well designed landscaped open areas and streetscapes.

5. *Incorporate open space (landscaping or plazas) into private building plans.*

The Site Plan provides: A landscaped focal point with seating at the North Washington Street/Beall Avenue corner, an open plaza and green space for residents and the public incorporating seating and landscaping at Maryland Avenue, and expansive open space for residents featuring outdoor patios/dining areas and gardens, recreational and fitness facilities, and meeting spaces in private courtyards and amenity spaces.

6. *Create streetscapes and public spaces that feel comfortable to pedestrians.*

The Site Plan provides: Wide streetscapes varying from 17 -35 feet wide on North Washington Street, Beall Avenue and Maryland Avenue with wide sidewalks, tree lawns, landscaped areas, and amenity space.

7. *Utilize traditional storefront design techniques wherever possible; maximize opportunities for street activity by incorporating open and inviting ground floors.*

The Site Plan provides: Architecturally creative commercial space along Beall Avenue, and a modern ground floor façade for direct access loft dwelling units along the Maryland Avenue facade.

8. *SL-2 All building must be built at the edge of the public right of way.*

The Site Plan complies by bringing the new building to the right of way along North Washington and Beall Avenue. The Project has no actual Maryland Avenue frontage.

9. *SL-7 New curb cuts should be avoided or minimized on North Washington Street.*

The Site Plan reduces the number of curb cuts on North Washington Street from those that exist today and incorporates a shared driveway with 275 N. Washington Street and the future Brightview project on the former Giant site.

10. *SL-8 Loading and service areas shall be located and designed to minimize their visibility from public rights of way.*

The Site Plan provides loading and service zones inside the building for both the residential and commercial uses.

11. *BSM-3 An upper floor setback shall be encouraged on North Washington Street and Maryland Avenue. Upper floors 45 feet above the street level of buildings that exceed 60 feet in height should be setback from the lower façade...*

The Site Plan provides along North Washington Street a setback from the four-story brownstone façade at the street level to the two additional upper levels of the building. The Project has no Maryland Avenue frontage and is located generally 50-150 feet from the future Maryland Avenue right of way. Applicant has provided a setback in the building at the closest point to the future Maryland Avenue above a 58' street level façade.

12. *BSM-4 Buildings located at corners should serve as gateways distinguishable from the rest of the buildings.*

The Site Plan provides a special design treatment in the architecture and the streetscape at both the North Washington Street corner and the Maryland Avenue corner.

13. *BSM-5 Distinctive roof forms, profiles and cornices shall be encouraged to provide a termination to the top of the building and emphasize the corner.*

The Site Plan provides a variety of roofline terminations and profiles along the facades with a special emphasis on strong cornice and architectural elements.

14. *F-3 Retail spaces on North Washington Street shall be accessed directly from the sidewalk.*

The Site Plan complies as all of the commercial spaces are accessed directly from the sidewalks.

15. *AD-7 For buildings above 2 stories, the ground floor should be architecturally distinguishable from the upper façade.*

The Site Plan provides distinguishable detailing on the ground floor of all facades.

16. *PD-1 Structured parking must be faced with other uses on the first and second floors.*

The Site Plan provides for at grade and below grade parking fully screened by residential units and commercial uses on North Washington, Beall and facing future Maryland Avenue.

17. *S-1 Signs shall be integrated into the building design.*

The Site Plan provides for signs for the commercial uses to be integrated into the storefront and architectural features. The Site Plan provides for classical signage for the residential entries on Beall Avenue and Maryland Avenue frontages.

A comprehensive sign package will be provided as part of the site plan approval. The sign package include generally: building mounted blade signs for Project identification and entrance direction, project identification entrance door awning signage, and commercial tenant signage that permits individual tenant brand identity and trade dress signage.

## ATTACHMENTS

1. PDP2003-00006 Approval and PDP Plan
2. Plat 23592 Lot 23 City Center
3. Illustrative Renderings April 2014
4. Layback Slope Calculations to Single Family



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 240-314-8200  
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Historic Preservation Office  
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Inspection Services Division  
 240-314-8240

Long Range Planning  
 Division  
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Planning Division  
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Revitalization/Housing  
 Division  
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August 6, 2004

Ms. Nancy Regelin, Esq.  
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 11921 Rockville Pike  
 Rockville, MD 20850-2743

**Re: Preliminary Development Plan Application PDP2003-00006  
 255 North Washington Street -- KSI  
 KSI Services, Applicant**

Dear Ms. Regelin:

In accordance with Section 25-683 of the Rockville Zoning and Planning Ordinance, the above referenced Preliminary Development Plan has been approved. The application is for a mixed-use project in the TCM-1 zone, containing retail, office and residential uses.

This application was filed under the optional method of application, in order to provide additional flexibility in the arrangement of the development. The staff recommended approval of the application with conditions in its report of July 8, 2004.

The Commission, at its meeting held on July 14, 2004, heard comments and testimony from the staff, applicant, and citizens. Based on the record, the Commission recommends approval of the PDP application for the following development:

325 multi-family residential units  
 5,049 square feet of office/bank  
 1,500 square feet of retail space (plus additional retail or live/work units on the 3 sides facing public streets)

The Commission finds that the project as proposed needs to provide additional commercial uses at the ground level. Therefore, the Commission has added a condition that requires the applicant to provide a mix of retail and live-work spaces facing all 3 public streets. The Commission also directed that the \$73,000 contribution to the City's CIP fund be expended only on traffic projects in the West End. The Commission therefore approves the PDP application on motion of Commissioner Johnson, seconded by Commissioner Mullican, with Commissioners Johnson, Mullican and Britton voting in favor of the motion, Commissioners Holtz and Ostell voting against the motion, and with Commissioner Hilton abstaining, with the following conditions:

1. The Use Permit submitted for the PDP must be consistent with the approved PDP plan dated July 6, 2004. Minor reallocations of floor area or uses may be

allowed at the Use Permit stage, within the overall development envelope approved in the PDP.

2. The applicant must provide retail, bank, and live-work areas at the ground floor level facing on North Washington Street, Beall Avenue and future Maryland Avenue. The configuration and amounts of each type to be approved by the Planning Commission in the Use Permit.
3. Dedicate right-of-way on Beall Avenue to include the proposed Maryland Avenue extension. The existing water line easement at the corner of Beall Avenue and North Washington Street may be included in the proposed development if abandonment is approved by the Mayor and Council.
4. Prior to the issuance of a building permit, the Applicant shall contribute \$73,000 to the City's Transportation Improvement CIP fund to mitigate traffic impact generated by the project on the adjacent West End neighborhood. This contribution shall be in the form of cash or the value of physical improvements/public services proposed by the applicant and approved at the sole discretion of the Director of Public Works.
5. Prior to the issuance of an occupancy permit, the Applicant shall construct the following traffic calming devices as approved by DPW to mitigate the impact of the project on the Beall Avenue corridor. If the West End Civic Association does not support the improvements listed below, the applicant would contribute, prior to issuance of a building permit, \$110,000 towards traffic calming and pedestrian safety features in the West End community, as defined by the Chief of the Traffic & Transportation Division:
  - a. Construct a landscaped median entry feature and raised crosswalk on Beall Avenue near Adams Street.
  - b. Construct a mini-circle and associated roadway improvements at the intersection of Beall Avenue and Forest Street.
  - c. Construct a 4' minimum sidewalk and buffer connecting the sidewalk on the south side of Beall Avenue between the existing sidewalk on Van Buren and North Adams.
  - d. Construct pedestrian refuges at all four legs of the Mannakec Circle at Beall Avenue.
  - e. Furnish the City with a portable speed indicator sign for use within the West End neighborhood.
6. The Applicant shall design and implement a sidewalk connection/pedestrian improvement across North Washington Street in order to provide a missing sidewalk link. Design of the improvement will be in coordination with the Department of Public Works.

7. The vehicular exit from the bank drive-thru must be right turn only.
8. A 10-foot PUE is required along North Washington Street and Beall Avenue. A PUE less than 10-feet may be allowed if approved by the Director of Public Works.
9. The parking garage structure shall not encroach into the public right-of-way and shall not impact the PUE.
10. The public right-of-way along North Washington Street and Beall Avenue must be at least 7 feet behind proposed face of curb. The proposed curb alignment along Beall Avenue must accommodate a 5-foot bike lane.
11. Sidewalks constructed outside the public right-of-way must be within easements to allow public use and access.
12. The Applicant shall pay a pro-rata share prior to the issuance of building permits for the design and construction of Beall Avenue (modified lane configuration, mill and overlay, 2 medians, bike lanes, curb and gutter etc. per approved DPW plan) along the frontage of their site (half of the entire width), not to exceed \$250,000. The applicant must dedicate the necessary ROW and sidewalk easements to implement the Beall Avenue reconstruction and improvements.

Medians will be constructed by the City or its agent, on Beall Avenue, allowing full movement in and out of the site. The applicant may be required to add or reconfigure medians, at the discretion of the Director of Public Works, so as to prohibit left turns in and out of the site, with appropriate signage. Such modification to the medians may be required at the sole expense of the applicant, at any time during construction of the applicant's project and up to six (6) months after full occupancy of the site. The applicant shall post a separate bond for the projected cost of any subsequent modifications to one or more of the medians prior to the issuance of DPW permits. The bond will not be released until median modifications are made (if required), or six (6) months after full occupancy of the site.

While the applicant will be released of their financial obligation six (6) months after the full occupancy of the site, there is no guarantee of continued full access to the site from Beall Avenue. The City will retain its right to restrict left turn movements into and out of the site in the future, without any compensation to the applicant.

13. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.

14. Comply with all conditions detailed in the SWM concept approval letter dated June 24, 2003.
15. Building designs should incorporate green building and LEED energy efficiency standards.
16. Prior to the approval of the Use Permit, a final Forest Conservation Plan must be submitted that addresses afforestation requirements.
17. The Use Permit must address compliance with the adopted Town Center Guidelines.
18. Comply with the provisions of Chapter 4 of the Code with regard to the provision of public art. The art fee is calculated at \$97,765.00. For the residential portion, the fee is calculated after subtracting the required MPDU's, which is 276 units ( $\$450/\text{d.u.} \times 100 + \$337 \times 100 + \$225 \times 76 = \$95,800.00$  residential units +  $6,549 \times \$0.30 = \$1,965.00$  for commercial). Note that this fee amount may change depending on the final amount of retail commercial space approved at the time of Use Permit. Compliance may include provision of public art on-site, contribution to the City art fund, or other provisions contained in Chapter 4.

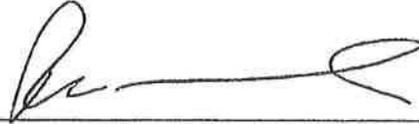
Sincerely,



Robert J. Spalding, AICP  
Chief of Planning  
Community Planning and Development Services

Note: A use permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgment, signed and executed by the applicant, has been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF PDP2003-00006, AND AGREE TO FULLY  
COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED.



Applicant's Signature

12 August 2004  
Date

Richard W. Hauster

Rockville Town Center, LLC

Applicant's Printed Name

12 AUGUST 2004  
Date

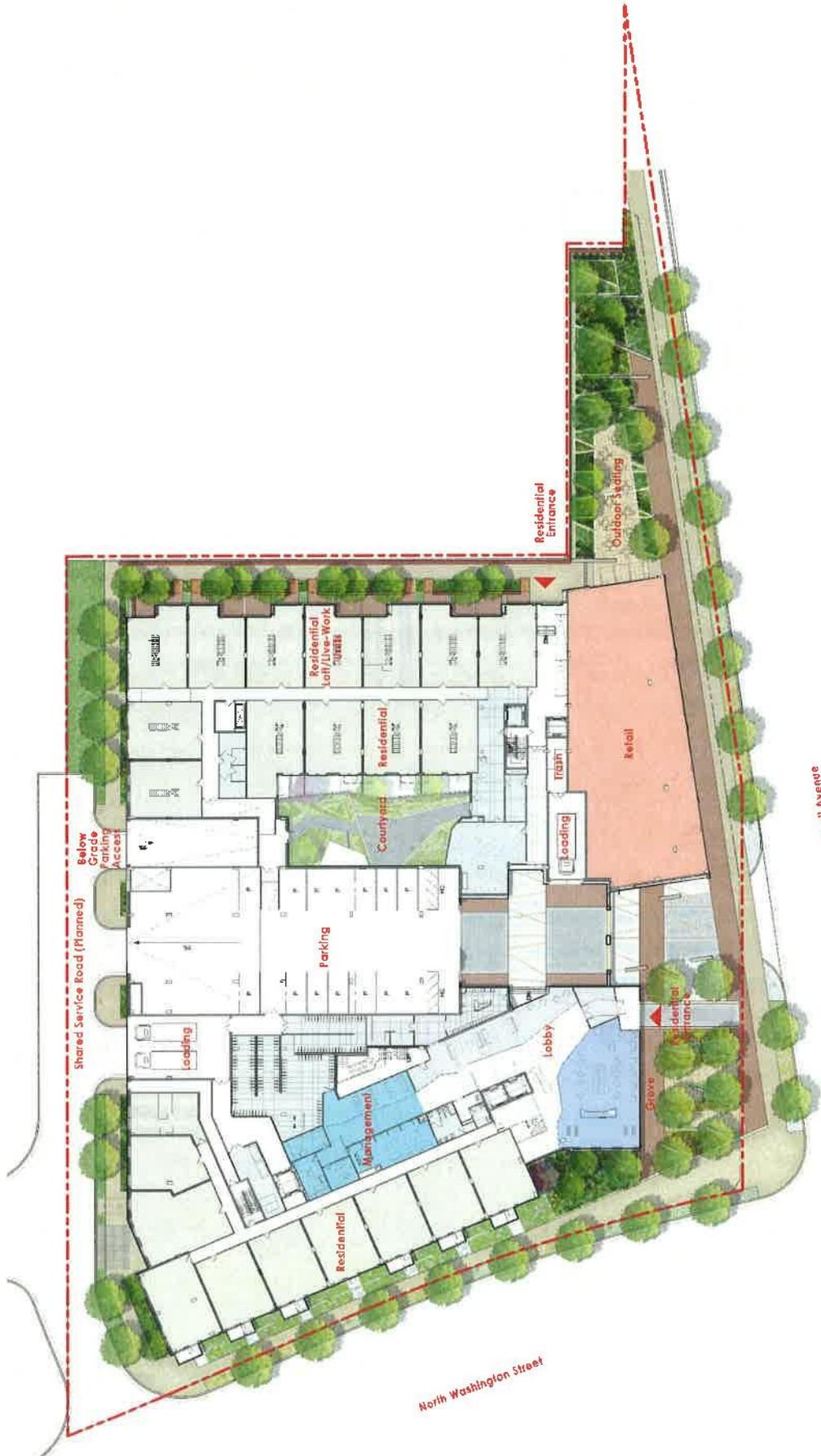
RJS/dem

Attachments: PDP Plan  
Staff Report of July 8, 2004

cc: Planning Commission  
Hal Cranor, Director of Public Works  
Linda MacDermid, Chief of Inspection Services  
Susan Straus, Chief Engineer  
Larry Marcus, Traffic and Transportation Division  
Robert J. Spalding, AICP, Chief of Planning  
Jim Wasilak, Planner III  
Deane Mellander, Planner III  
Application File







**GROUND FLOOR PLAN**

**R2L:ARCHITECTS**

**Rockville Town Center**  
**255 N Washington Street Rockville, MD**





Rockville Town Center  
255 N Washington Street Rockville, MD

SITE PLAN RENDERING 1:20

**PARKERRODRIGUEZ, INC.**  
Planning | Urban Design | Landscape Architecture

**R2L:ARCHITECTS**



WEST ELEVATION

R2L:ARCHITECTS

Rockville Town Center  
255 N Washington Street Rockville, MD



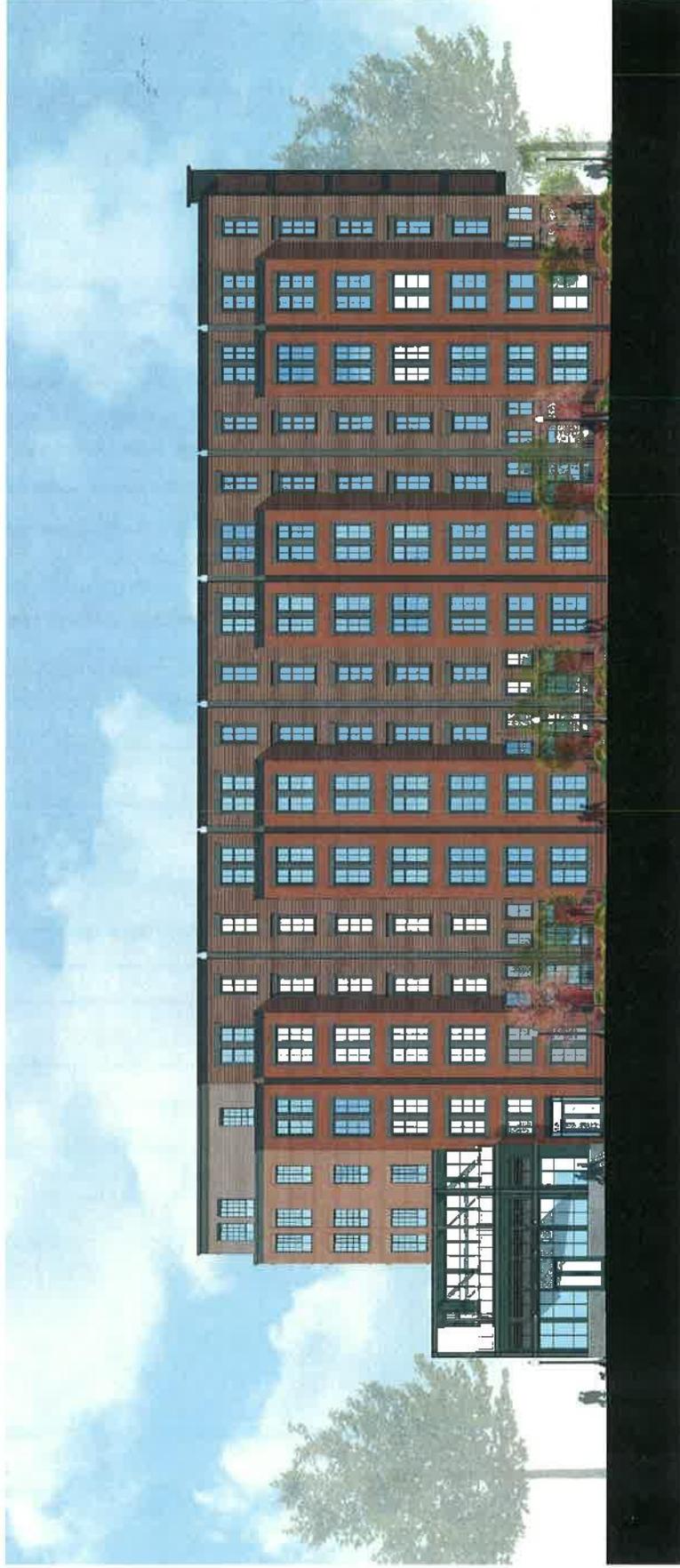


SOUTH ELEVATION

R2L:ARCHITECTS

Rockville Town Center  
255 N Washington Street Rockville, MD





EAST ELEVATION

R2L:ARCHITECTS

Rockville Town Center  
255 N Washington Street Rockville, MD





**NORTH ELEVATION**

**R2L:ARCHITECTS**

**Rockville Town Center  
255 N Washington Street Rockville, MD**



