

Resolution No. 9-05

RESOLUTION:

To approve, with conditions,
 Preliminary Development
 Plan Application No.
 PDP2004-00009, Twinbrook
 Commons LLC, Applicant

WHEREAS, Twinbrook Commons, LLC, an affiliate of the JBG Companies, 4445 Willard Avenue, Chevy Chase, Maryland (the "Applicant"), and Washington Metro Area Transit Authority ("WMATA") 600 Fifth Street, N.W., Washington, D.C., filed Preliminary Development Plan Application PDP2004-00009 (the "Preliminary Development Plan Application" or "Application"), requesting approval of a Preliminary Development Plan for the 26.49 acre (net lot) site surrounding the Twinbrook Metro Station (hereinafter "Twinbrook Commons" or the "Property") for the redevelopment of the Property in accordance with the Twinbrook Metro Performance District Optional Method of Development set forth in Section 25-710.28 of the Zoning and Planning Ordinance; and

WHEREAS, the Preliminary Development Plan Application requested approval of 1,700 residential units, 325,000 square feet of office use and 220,000 square feet of retail use; 2,409 private parking spaces; 1,151 parking spaces for WMATA commuters; and heights ranging from 55 feet to 170 feet for the residential buildings and up to 170 feet for the office building; and

WHEREAS, the approval of the Preliminary Development Plan is one requisite component of the Twinbrook Commons redevelopment, which other components include the adoption and approval by the Mayor and Council of the Annexation Petition ANX2004-00136 (annexing approximately 16 acres of the Property located within Montgomery County, Maryland into the City of Rockville); an ordinance amending the

Zoning Map to include the annexed property and placing it into the RPC Zone; Zoning Text Amendment TXT2004-00213 (establishing the Twinbrook Metro Performance District Optional Method of Development); and Sectional Map Amendment MAP2004-00090 (rezoning the portion of the Property currently zoned I-2 to RPC and reaffirming the existing RPC zoning for the remaining portion of the Property zoned RPC)(hereinafter collectively referred as the "Twinbrook Commons Related Approvals"); and

WHEREAS, approval of the Preliminary Development Plan is subject to and conditioned upon the Mayor and Council's approval of all of the Twinbrook Commons Related Approvals; and

WHEREAS, the Mayor and Council held a worksession to review the proposed application on March 29, 2004; and

WHEREAS, pursuant to Section 25-710.30 of the Zoning and Planning Ordinance, the Planning Commission and the Mayor and Council held a joint worksession on October 11, 2004, to review the proposed application; and

WHEREAS, pursuant to Section 25-710.30 of the Zoning and Planning Ordinance, the Planning Commission, at its meeting of December 15, 2004, reviewed the Preliminary Development Plan Application and recommended approval of the application subject to certain conditions as set forth in a memorandum dated December 16, 2004; and

WHEREAS, pursuant to Section 25-710.30 of the Zoning and Planning Ordinance, the Mayor and Council gave notice that a public hearing on said Preliminary Development Plan Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on January 10, 2005, at 7:00 p.m. or as soon

thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on January 10, 2005, the said Preliminary Development Plan Application came on for hearing at the time and place indicated in said notice; and

WHEREAS, this matter having been fully considered by the Mayor and Council, the Mayor and Council having found and decided that the development of Twinbrook Commons under the Twinbrook Metro Performance District Optional Method of Development would promote the health, safety and general welfare of the citizens of Rockville, and the Mayor and Council having made the further findings set forth herein based upon Preliminary Development Plan Application PDP2004-00009, the Staff Report dated December 7, 2004, the Planning Commission Recommendation dated December 16, 2004, the public hearing of January 10, 2005, as well as the remaining matters contained in the record; and

WHEREAS, the Mayor and Council having found and determined, pursuant to Section 25.710.30, and Article XV referenced therein, of the Zoning and Planning Ordinance, that the proposed development and Application, as amended, subject to the conditions, limitations, additions, and modifications set forth herein:

1. Is in substantial accordance with the Plan, and with the intent and purpose of Article XIV of the Zoning and Planning Ordinance, and is compatible with adjacent existing and permitted uses and developments.
2. Provides for traffic impact mitigation, open space, pedestrian circulation, and environmental amenities. Traffic mitigation is fulfilled through a combination of off-site improvements in accordance with the City's Comprehensive Transportation Review;

on-site improvements including significant upgrades to Metro facilities, payment of the Montgomery County Development Impact Tax, and development and implementation of a Trip Reduction Agreement and Trip Reduction Plan. The Application provides green space and open space in excess of the 10 percent required by the RPC Zone. Pedestrian circulation is enhanced on-site by a well-established pedestrian system and by additional off-site pedestrian improvements. The proposed development incorporates many environmentally sensitive measures and is designed to ensure that a significant portion of the preservation and planting requirements required will occur on site. The proposed development will comply with the City's stormwater management and sediment control regulations.

3. Provides for site dimensions, grade and orientation compatible with the location and height of existing and proposed development in the Rockville Pike Corridor Plan Area. The existing site conditions and the surrounding development was considered in the location of the buildings and their proposed heights. The greater heights are located on the west side of the Property, in proximity to other adjacent commercial uses and closer to Rockville Pike. Heights on the east side are sensitive to the adjacent townhouse community and the nearby single-family neighborhood.

4. Will not constitute a violation of any provision of the Zoning and Planning Ordinance or other applicable law.

5. Will not violate or adversely affect the Plan. The Application is in substantial accordance with the 1989 Rockville Pike Corridor and the 2002 City of Rockville Comprehensive Master Plan (collectively referred to as the "Plan"). In accordance with the recommendations for the Twinbrook Metro Performance District,

Twinbrook Commons provides a mix of office, residential and retail uses immediately adjacent to the Metro Station. In accordance with the City of Rockville Comprehensive Master Plan, the eastern portion of Twinbrook Commons is proposed as a mixed use, residential and retail area, pursuant to the RPC Zone.

6. Will not overburden existing public services including but not limited to water, sanitary sewer, public roads, schools, storm drainage, schools, and other public improvements. Existing water, sewer, and storm drain capacity exists to serve the development. The public roads surrounding the Property are adequate to accommodate the development. A significant portion of the trips generated from the proposed development are expected to utilize public transportation given the Property's location. The Application includes identified improvements to the surrounding road network. Montgomery County Fire and Rescue has indicated that the proposed development will be adequately served for fire protection by existing facilities in the area. Montgomery County Public Schools ("MCPS") has determined that there is adequate school capacity to accommodate the proposed development. This determination is reaffirmed by the MCPS Sample of Student Generation from Multi-Family Housing evaluation demonstrating the low number of students generated from multi-family housing. The Application provides for the payment of the Schools Facilities Impact Tax, as required by Montgomery County.

7. Will not affect adversely the health or safety of persons residing or working in the subdivision or neighborhood.

8. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

9. Will not be unsuitable for the type of development, the use contemplated and available public utilities and services. The project provides a well-balanced, mixed use, residential, retail and office community at a Metro Station, with all of the project area being located within 1,200 feet of the Metro Station. The public utilities and services are suitable to serve the proposed development.

10. Will not unreasonably disturb existing topography, in order to minimize storm drain runoff and to conserve the vegetation cover and soil. The proposed development will also preserve existing landscape buffers and providing more effective stormwater management techniques, thereby minimizing stormwater runoff.¹

WHEREAS, the Mayor and Council having further found and determined that the proposed development and Application, as amended, subject to the conditions, limitations, additions, and modifications set forth herein is consistent with the intent and purpose of Twinbrook Metro Performance District Optional Method of Development set forth in the Zoning and Planning Ordinance² and satisfies the development standards of the Twinbrook Metro Performance District Optional Method of Development as more specifically set forth below:

1. *A minimum area of twenty (20) acres is required.* The overall size of the Property is 26.49 acres.

¹ The above findings are those findings required by Sections 25-710.30(b) of the Zoning and Planning Ordinance. Section 25-710.30(b)(3), requires the Mayor and Council in conjunction with its consideration of the Preliminary Development Plan to make the preliminary plan findings required by Section 25-727(e) of Article XV, "Subdivision Regulations."

² The Twinbrook Metro Performance District Optional Method of Development will be codified as Section 25-710.28 of the Zoning and Planning Ordinance upon the Mayor and Council approval of an ordinance granting Text Amendment Application No. TXT2004-00213, as amended.

2. *All land within the development area must be located within 1,200 feet of a main pedestrian portal of a WMATA Metro Station.* The entire Property is located within 1,200 feet of the main pedestrian portal of the Twinbrook Metro Station.

3. *The applicant must submit a traffic study in conformance with the City's Comprehensive Transportation Review methodology and provide mitigation of traffic impacts acceptable to the Mayor and Council.* A traffic study utilizing the Comprehensive Transportation Review methodology was submitted and reviewed in conjunction with the review of the Preliminary Development Plan. The Application provides for mitigation of traffic impacts acceptable to the Mayor and Council.

4. *All buildings abutting off-site residential land developed with single-family detached dwelling units shall provide a minimum side and rear set back of one (1) foot for every three (3) feet of height.* The proposed development complies with this setback requirement.

5. *The development must contain a mix of uses, including residential and commercial components. Not less than ten percent (10%) of the ground floor space within the development plan area that has street frontage must be devoted to retail sales and/or personal services. At least 70 percent of the street frontages of all of the parking facilities on the Property shall be concealed by a separate occupiable building.* The proposed development contains a mix of residential, retail, and office uses. Ground Floor retail is provided in more than ten percent of the Property's ground floor space that has street frontage. A minimum of 70 percent of the street frontages of the parking facilities are concealed by a separate occupiable building.

6. *The development shall provide a system of public easements or rights-of-way for public pedestrian ways linking elements of the development with neighboring properties and the WMATA Metro Station.* The Application provides for a series of publically accessible pedestrian ways. All streets within Twinbrook Commons will have sidewalks that provide linkage to areas outside the development area, thus providing pedestrian access to the Metro Station. The Applicant will also construct missing sidewalk links outside the development area on Bouic Avenue and Brooke Drive.

7. *The maximum height for a commercial building is one hundred ten (110) feet, except that building heights up to a maximum of one hundred seventy (170) feet may be permitted for a commercial building located at least 300 feet from a single family detached residential property. The maximum height for a residential building is one hundred forty-five (145) feet, except that a maximum of one hundred seventy (170) feet may be permitted for a residential building located at least 300 feet from a single family detached residential property.* The Application meets these standards. The proposed residential and office tower on the west side of Twinbrook Commons will be located more than 300 feet from a single-family home and are permitted a height up to 170 feet. The proposed residential buildings on the east side of Twinbrook Commons located within 300 feet of a single-family home will have maximum heights of 145 feet or less.

8. *All developments that provide right-of-way or easements for public streets or pedestrian ways may include the area of such right-of-way or easements in the net development area for the purpose of calculating FAR and residential density.* These areas are included in the commercial FAR and residential density calculations for the Twinbrook Commons development.

9. *The commercial FAR as calculated based on the gross tract area shall not exceed 1.0 FAR and the residential density shall not exceed 66 dwelling units per acre.*

The Application satisfies this requirement by providing for a commercial density of .48 FAR and a residential density of 61 dwelling units per acre.

10. *Developments must comply with the applicable parking requirements set forth in Section 25-710.27(9)(a) and (b), Section 25-710.28(13), and Section 25-395.*

The Applicant will provide private parking in accordance with these requirements in connection with use permit approvals.

11. *All required parking must be located within the area covered by the preliminary development plan.* The Application provides for all parking to be provided within the Property.

12. *All developments shall be subject to the parking design standards set forth in Article IX, Division 2, except that the parking space design standards for parking spaces within a WMATA controlled garage intended for Metro Station commuter parking shall be governed by the design standards approved and adopted by WMATA.* The Applicant is required to satisfy this requirement in connection with the use permit process.

13. *Developments shall be so planned as to minimize the impacts of shadows on existing surrounding off-site single-family residential dwelling units.* The Applicant has submitted a shadow study that demonstrates that adjacent single-family homes are only minimally impacted by shadows cast from the proposed development. Shadows will be cast only during the shortest days of the year. Only one building will cast a shadow on single-family residential properties and this shadow only affects yards, not homes. The

proposed taller buildings located to the west of the WMATA station will not cast any shadows that impact the surrounding off-site single family homes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Preliminary Development Plan Application PDP2004-00009, as amended, be and the same is hereby approved, in accordance with the terms, conditions and limitations set forth herein.

I. APPROVED PRELIMINARY DEVELOPMENT PLAN

For purposes of this Resolution, the Approved Preliminary Development Plan (also referred to as the "PDP") shall mean this Resolution and all Exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions, and writings on the Exhibits.

- Land Use Plan (Exhibit 1)
- Open Space Plan (Exhibit 2)
- Retail Plan (Exhibit 3)
- Traffic Mitigation Table (Exhibit 4)
- Roadway cross-sections (Exhibit 5A and Exhibit 5B)
- Stormwater Management Concept approval letter dated December 9, 2004 (Exhibit 6)

II. DEVELOPMENT DENSITY AND LAND USE

A. Land Use Plan.

Exhibit 1, dated June 2004, revised April 4, 2005, shall constitute the Land Use Plan for the PDP.

B. Allowable development densities

1. The densities must not exceed 1,595 residential units, 220,000 square feet of retail; and 325,000 square feet of office.

2. Maximum non-residential density must not exceed 1.0 FAR and maximum residential density must not exceed 66 dwelling units per acre.

3. Minor reallocations (up to 20 percent) of residential units or non-residential square footage between blocks shall be permitted during the Use Permit stage, provided that the overall square footage for each use does not exceed the maximum densities permitted herein.

C. Residential uses

1. All residential buildings must provide elevator access, except for the townhouse styled building located in the southeast corner of Street A and Ardennes Avenue, which shall contain no more than 8 units.

2. A minimum of 15 percent of the residential units must be devoted to MPDUs. The number of MPDUs for each unit type must reflect the same ratio of market rate units devoted to each unit type. The number of MPDUs devoted to rental or for-sale units must reflect the same ratio of rental and for-sale units of the market rate units. The MPDUs shall be distributed throughout the proposed development so as to avoid a concentration of MPDUs in any single building.

3. Of the total number of MPDUs provided, the applicant will initially market fifty percent (50%) of the units to MPDU qualified senior residents. Applicant will actively market, through their best efforts, the market rate units to senior citizens.

4. Of the total number of units, a minimum of 595 units shall be offered initially for sale. If WMATA does not authorize such sale, the Mayor and Council may reconsider and amend this condition without going through the full PDP amendment process.

D. Retail uses.

Applicant must use its best efforts to provide ground floor retail as shown on the Retail Plan attached hereto as Exhibit 3. However, notwithstanding the limitations set forth above in II. B. 3. above:

a. Ground floor retail uses may be replaced with up to 75 live-work units, which units shall be credited against the allowable commercial square footage. Live-work units must provide direct access at the ground floor to space open to the public.

b. Ground floor retail within buildings fronting the Village Green may be converted to residential use or related ancillary uses, subject to Planning Commission approval.

c. Retail spaces over 30,000 square feet in size must be limited to allow either (i) one movie theater of up to 70,000 square feet and one retail space in excess of 30,000 square feet; or (ii) no more than three retail spaces each greater than 30,000 square feet.

III. BUILDING HEIGHTS

A. The allowable building heights are as follows:

<u>Block A</u>	<u>Height</u>	<u>Stories above grade</u>
A1	170'	16 stories
A2	95'	8 stories
A3		6-9 level garage

A4		6-9 level WMATA garage
<u>Block B</u>	<u>Height</u>	<u>Stories above grade</u>
B1	30'	1 story
B2	170'	13 stories
B3		6-9 level garage
<u>Block C</u>	<u>Height</u>	<u>Stories above grade</u>
C1	43-63'	4-6 stories
C2	130'	12 stories
C3		5-7 level garage
<u>Block D</u>	<u>Height</u>	<u>Stories above grade</u>
D1	30'	1 story
D2	130'	12 stories
D3	43-63'	4-6 stories
D4		5-7 level garage
D5		6-8 level WMATA garage
<u>Block E</u>	<u>Height</u>	<u>Stories above grade</u>
E1	70'	6 stories
E2	130'	12 stories
E3	55'	4 stories
E4	55-75':	4-6 stories
E5		6-8 level garage
<u>Block F</u>	<u>Height</u>	<u>Stories above grade</u>
F1	80'	6 stories
F2	55'	4 stories
F3		7-9 level garage
<u>Block G</u>	<u>Height</u>	<u>Stories above grade</u>
G1:	130'	12 stories
G2/G3	60-80'	4-6 stories
G4	60-80'	4-6 stories
G5		5-7 level garage

B. The foregoing heights are deemed to be appropriate and compatible with the adjacent uses. Lower heights may be proposed by the Applicant and approved as part of the use permit process.

IV. SETBACKS

A. For all buildings in excess of 135 feet in height, the frontages of such buildings facing a public street must be setback 25 feet at a height of 135 feet.

B. Setbacks from off-site, single-family detached residential units must be one foot for every three feet of height.

V. SUSTAINABLE DEVELOPMENT

Applicant will commit to an overall project that achieves a minimum of 21 LEED points per USGBC standards. Building certification or commissioning is not required.

VI. OPEN SPACE

A minimum of 20 percent of the proposed development shall be devoted to public use open space, including a Village Green and a linear park located between the proposed development and the adjacent Cambridge Walk townhouse development, as generally shown on the Open Space Plan attached hereto as Exhibit 2.

VII. PARKING

A. Parking for the uses in each block must be provided in the subject block or in an immediately adjacent block.

B. A minimum of 70 percent of the street frontages of all parking facilities must be concealed by separate occupiable buildings. Parking structure facades that are not concealed by a separate building must be of an aesthetically-pleasing design so as to minimize the utilitarian look of the parking garage. The design of the exposed facades must be reviewed by the Planning Commission in connection with the respective use permit.

C. The owner of each private parking structure (excluding the WMATA parking structures) is required to post a "full" sign when appropriate at the entrance of each private parking structure to reflect that no additional parking spaces are available.

VIII. TRAFFIC/PEDESTRIAN CIRCULATION AND TRAFFIC MITIGATION

A. Safe and adequate access for all modes of transportation must be provided throughout all phases of development. Twinbrook Commons LLC must work diligently with WMATA in an effort to provide 24 hour access through the Metro Station to connect the east and west side of Twinbrook Commons.

B. Pedestrian access.

1. The Applicant is required to construct the following missing sidewalk links per Department of Public Works requirements as a requirement of the Comprehensive Transportation Review methodology ("CTR"). The funding of these facilities must be separate from the County Development Impact Tax and the City Transportation Demand Management fees:

a. Bouic Avenue from Chapman Avenue to Rockville Pike

b. South side of Brooke Drive between Lewis Avenue and Rockland Avenue

2. Sidewalk widths along Fishers Lane must be a minimum of 20 feet in width and sidewalk widths along Chapman Avenue south of Halpine Road must be a minimum of 19 feet in width. All other sidewalks must be a minimum of 15 feet in width. Outdoor cafés, providing tables and chairs for eating and/or drinking, shall

only be permitted on sidewalks with a minimum 19-foot width, unless otherwise approved by the Planning Commission.

3. Every sidewalk must maintain a minimum eight-foot unobstructed pedestrian way, except for those sidewalks along Street A, which shall have a minimum five-foot unobstructed pedestrian way.

C. Traffic mitigation.

1. The Applicant must pay the required Montgomery County Development Impact Tax .

2. The Applicant and the City must enter into a Trip Reduction Agreement for the development and implementation of a Trip Reduction Plan prior to the effective date of the Annexation Agreement. 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 Development Impact Tax.

3. The Applicant must pay to the City a Transportation Demand Management fee as provided for in the Trip Reduction Agreement.

4. The Applicant is required to construct the off-site roadway and multi-modal improvements (hereinafter "Off-site Transportation Improvements") identified on the Mitigation Table attached hereto as Exhibit 4 and/or such other off-site as may be identified by the Department of Public Works, in accord with the following:

a. Except as otherwise provided herein, Applicant is not obligated to expend for the construction of such off-site improvements more than an

amount equivalent to the Montgomery County Development Impact Tax applicable to the Twinbrook Commons development (hereinafter referred to as “Off-site Transportation Improvement Funds”). Notwithstanding the foregoing, however, Applicant is responsible for the construction of improvements 1-17 on the attached Mitigation Table (Exhibit 4) in accordance with subsection “b.” below, regardless of the final cost of such improvements.

b. Prior to the issuance of the first use permit for the development, Applicant must submit for review and approval by the Department of Public Works a phasing plan for the construction of improvements 1-17 on the attached Mitigation Table. Construction of improvements 1-17 shall be allocated among, and tied to, the first three use permits approved for the development. Completion of all of the improvements associated with a particular use permit will be required once the use permit has been implemented. Completion of all such improvements shall occur prior to the earlier of the following events: (1) the issuance of the occupancy permit for the final structure subject to the use permit or (2) a date certain as specified in the phasing plan.

c. Any Off-site Transportation Improvement Funds remaining after the construction of improvements 1-17 must be utilized for the construction of the remaining Off-site Transportation Improvements on the attached Mitigation Table, or such other transportation improvement projects identified by the Department of Public Works, according to the construction priorities and phasing schedule approved by the Department of Public Works.

d. Applicant must provide the Department of Public Works with cost estimates of the Off-site Transportation Improvements prior to construction of

each improvement and with invoices within sixty (60) days of the completion of each improvement.

5. The Applicant must construct a transit resource center (the "Center") containing approximately 2,000 square feet that must be located in a highly visible location on the east side of Twinbrook Commons, within 150 feet of the portal to the Metro Station. The Center shall be for use by Twinbrook Commons, the City, and other appropriate entities as approved by the City, to implement transportation demand management programs and provide transit services and information.

a. The Center must have both public and staff areas. City staff will work with the Applicant on the design and location of the facility. Applicant will be responsible for the tenant build-out up to a cost of \$35 per square foot in 2005 dollars, adjusted to reflect the increase in the U.S.- All Cities Consumer Price Index between 2005 and the date of construction. The Center shall be leased to the City for 99 years for \$1.00/year.

b. The construction and tenant build-out of the Center shall be a separate obligation from the County Development Impact Tax, the City Transportation Demand Management fee, and the Off-site Transportation Improvement Funds. Applicant must provide the Department of Public Works with cost estimates of the design and construction of the Center prior to construction and with invoices within sixty (60) days of the completion of the Center.

c. Applicant shall not be responsible for the funding of the operations of the Center, although nothing herein shall preclude the Applicant's annual

City Transportation Demand Management fee from being used to help fund such operational costs.

d. A temporary transit resource center shall be provided in connection with the first three use permits for the development, and shall remain operational until the permanent transit resource center is constructed. The timing, location, and design of the temporary center shall be approved by the Department of Public Works prior to the issuance of the first use permit.

6. The transportation obligations identified in this Section VIII C. shall constitute all transportation obligations under the Comprehensive Transportation Review (“CTR”) methodology required of the Applicant in connection with the proposed development, subject to section XIII below.

IX. STREETS

A. Construction

1. The street cross-sections for the proposed development shall be generally in accord with the street cross-sections set forth in attached Exhibit 5A and Exhibit 5B, provided that minor deviations may be approved by the Planning Commission as part of the use permit process. This approval of the roadway cross-sections shall constitute a waiver of any inconsistent requirement of Chapter 21 “Streets and Public Improvements” of the Rockville City Code pursuant to section 21-20 of the Code.

2. Applicant must mill and overlay Ardennes Avenue from Twinbrook Parkway to the northern limits of the site.

B. Street dedication

Applicant must dedicate all streets from back of curb to back of curb to the City. Applicant shall retain an interest in the air rights above Street A to accommodate the residential building over that portion of Street A indicated on the attached Land Use Plan (Exhibit 1). In connection with the dedication of streets, City will grant Applicant easement rights to certain portions of the dedicated streets to accommodate stormwater management and to enable Applicant to perform maintenance responsibilities relating to stormwater management and paving upgrades that exceed the City's paving standards.

X. Phasing

Applicant must submit a detailed construction phasing plan for review and approval by City staff prior to the approval of the first use permit. The phasing plan for each phase must include:

- Vehicular and pedestrian accessibility and circulation for each phase
- SWM and forestry supporting the level of development at each phase.
- Sufficient parking capacity to support each phase of development.
- Interim site layout

XI. MAINTENANCE RESPONSIBILITIES

A. Sidewalks, open areas, stormwater management facilities in the streets and certain street maintenance responsibilities will be subject to a Declaration of Reciprocal Easements and Covenants ("Declaration") or similar document. Said Declaration will also provide the City and the public with unobstructed public access

across the public open space and sidewalks. The Applicant and the City will enter into the Declaration prior to the issuance of the first occupancy permit. Applicant shall minimize the placement of stormwater management facilities in the street rights-of-way.

B. Applicant will establish and fund a Twinbrook Commons Management Group (“TCMG”) or other comparable entity responsible for the maintenance and operations of the sidewalks, Village Green, stormwater management facilities within the street right-of-way, other open spaces, and those improvements to the dedicated streets that are above and beyond the City’s standard improvements. The TCMG’s responsibilities shall include, but are not necessarily limited to: snow removal and cleaning of sidewalks; all components associated with landscaping, including but not limited to planting, irrigation and maintenance; sidewalk repair and maintenance; repair and maintenance of special surface treatment within the dedicated streets; coordination with City of community activities and events within the development; and promotion of Twinbrook Community. All non-residential and residential property owners, including condominium owners, will be required to participate in the TCMG.

C. Applicant must grant to the City such easements across the Property as may be necessary to allow for the installation and maintenance of various City-owned improvements, including, but not limited to street lights, street signage, storm drains, parking meters, and traffic signals.

D. The Applicant shall provide the city multiple opportunities for use of the Village Green and other street level open space. Public and private events will be required to follow applicable City Code Requirements. Details on how the Village Green

programming will be coordinated between the City and the applicant shall be submitted with the Use Permit for the Village Green.

XII. ENVIRONMENTAL CONSIDERATION

A. Plans and computations for sediment control, storm water management and road/pedestrian access (privately maintained) and Rockville water and sewer must be reviewed and approved by Rockville Department of Public Works.

B. Water and sewer mains in the WSSD located within the dedicated right-of-way shall be owned and maintained by WSSC.

C. Applicant must address the issue of sewage transmission capacity constraints at the time of use permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.

D. Applicant shall comply with all conditions detailed in the storm water management concept approval letter dated December 9, 2004 attached hereto as Exhibit 6, as may be amended by the Department of Public Works from time to time

E. If determined necessary by the City's water distribution network study, Applicant will contribute 29% towards the design and implementation of Lewis Avenue water improvements, as delineated in the 1994 Pitometer Report for the City, said improvements consisting of upgrading the 8" water main to 12" in Lewis Avenue from Halpine Road to Edmonston Drive. Details of the contribution shall be finalized during the Use Permit process.

F. All utilities and related appurtenances to be located underground or within buildings.

G. A Forest Conservation Plan (FCP) is required to be submitted for this site for approval by the City Forester demonstrating that a minimum of 85 percent of the tree preservation and planting requirements of the FCP shall be met on site.

H. Applicant shall provide public art in accordance with the provisions of Chapter 4 of the Rockville City Code.

I. Applicant shall certify that noise levels will be at or below 45dBa (Ldn) for apartment interiors for:

a. The final design and approved acoustical treatment prior to issuance of building permit.

b. The constructed units to ensure that they meet the standards and have been constructed consistent with the certified design prior to issuance of Occupancy Permits.

The reports must be prepared by an approved acoustical consultant and approved by the Chief of Planning in coordination with the City's Environmental Specialist and Inspection Services Division, as appropriate.

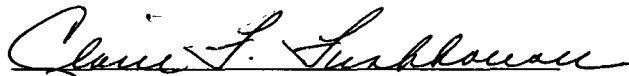
XIII. ADEQUATE PUBLIC FACILITY DETERMINATION VALIDITY PERIOD

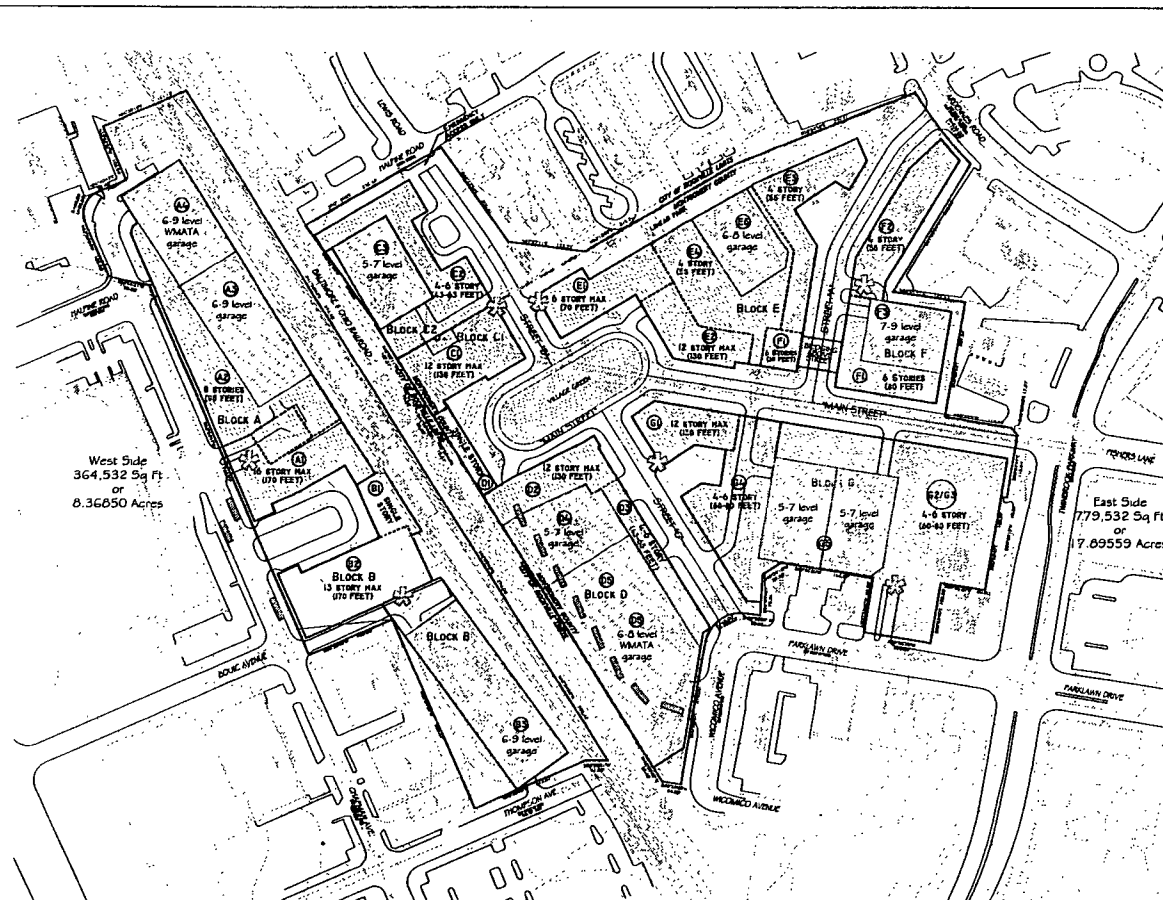
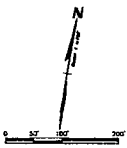
The determinations of adequate public facilities made herein remains valid for a period of twelve (12) years from the effective date of this Resolution. The Mayor and Council may extend the validity period of the adequate public facilities determination prior to its expiration for good cause, taking into consideration the extent to which the project is completed and the degree of development activity that has occurred within the four years preceding the extension request.

XIV. EFFECTIVE DATE

This Resolution and the Approved Preliminary Development Plan shall only be effective upon the latter of the following dates: (a) the effective date of the Annexation of the Property pursuant to Annexation Petition ANX2004-00136, and (b) the effective date of the ordinance adopting Zoning Text Amendment TXT2004-00213, establishing the Twinbrook Metro Performance District Optional Method of Development.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of April 4, 2005.


Claire F. Funkhouser, CMC, City Clerk



West Side
364,532 Sq Ft.
or
8.36850 Acres

East Side
779,532 Sq Ft
or
17.89559 Acres

Legend

- GARAGE DECK (PAVE/SEAL)
- VILLAGE GREEN
- RESIDENTIAL
- NON-RESIDENTIAL
- BUILDING HEIGHT
- WAATA BUS SPACE
- SERVICE LOADING

Development Program

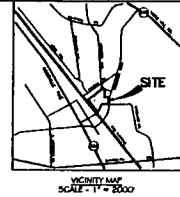
Block	A	B	C1	C2	D	E	F	G	Est. Sqr. Ft.	Wtd. Sqr. Ft.	Grnd. Total
Uses	Residential, Retail, Professional	Office, Retail, Residential Parking	Residential	Residential	Residential, Retail, Professional	Residential, Retail, Professional	Residential, Retail, Professional	Residential, Retail, Professional			
Residential Dwelling Units	380		125	85	180	300	180	380	1,210	380	1,590
Non-Residential Use Floor Area (ground floor only)											
Office	76,000	25,000	12,000		11,600	24,000	16,200	67,300	190,000	100,000	\$20,000
Other		\$28,000									\$28,000
WAATA Facilities											
Bus Station	620								620		620
Parking	675	925	186	100	210	425	360	685	1,800	1,800	8,870

* See Note #12. All of restaurant, retail, health club, primary store and cinema excluded.
 ** Office and includes 25,000 SF for Children's Arts Center.
 *** A portion of ground floor retail may be re-allocated to residential and/or low-cost units, up to 116,000 SF.

Street Width/Sidewalk Width Summary

Street	Street Width	Sidewalk Width	Road Class.
Henrietta Avenue	18 feet	8 feet	Secondary, Bus Parking
Main Street	18 feet	8 feet	Secondary, City Street
Parkway Drive	18 feet	8 feet	Secondary, City Street
Henrietta Avenue	18 feet	8 feet	Secondary, City Street
Cherry Avenue	18 feet	8 feet	Secondary, City Street

Notes:
 - Minor changes in widths may be requested by applicant at User Permit.
 - Sidewalk widths in front face of curb to primary walking face at ground floor.
 - Street width in back face of curb to back of curb.



General Notes

- THE HORIZONTAL DATUM IS STATE PLANE (NAD83) & IS BASED ON NGS CONTROL STATIONS 20320 & 20331.
- THE SUBJECT PROPERTY LIES IN ZONE "C" (AREA OF MINIMAL FLOODING AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 24001-0004B FOR THE CITY OF ROCKVILLE, MARYLAND, DATED JANUARY 5, 1978 & COMMUNITY PANEL NO. 240049 0175 FOR MONTGOMERY COUNTY, MARYLAND, DATED AUGUST 1, 1984.
- THE SUBJECT PROPERTY IS LOCATED ON THE ASSESSMENT MAP NUMBER G0535.
- BOUNDARY SURVEY WAS PREPARED BY VERA, INC. DATED JAN. 2001.
- THIS SITE IS LOCATED IN THE ROCK CREEK WATERSHED.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SITE, BASED ON THE "LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES IN MONTGOMERY COUNTY MARYLAND" (MARCH 1976).
- THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER & SEWER SYSTEMS, AND IS CURRENTLY IN SERVICE CATEGORIES W-1 AND S-1, RESPECTIVELY IN W-050.
- PUBLIC UTILITY EASEMENTS & RIGHTS OF WAY WILL BE PROVIDED WHERE NEEDED ON SITE TO ALLOW FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE & CABLE SERVICE TO THE PROPOSED BUILDINGS. LOCATIONS TO BE DETERMINED AT PERMIT.
- THIS SITE IS OWNED BY WAATA AND IS INTENDED TO BE SUBJECT TO A LONG TERM LEASE TO FACILITATE THIS DEVELOPMENT. EXCEPT FOR SUCH LAND THAT MAY BE SUBSEQUENTLY SOLD BY WAATA TO THE DEVELOPER OR THEIR SUCCESSORS.
- DEVELOPMENT ON EACH BLOCK MAY VARY WITHIN THE TOTAL LIMITS SET IN THE ANTI-DUMPING AGREEMENT.
- THE NUMBER OF PRIVATE PARKING SPACES WILL BE SET AT FINAL USE PERMIT, SUBJECT TO FINAL DETERMINATION BY A UNIT COUNTY. WILL COMPLY WITH THE ROCKVILLE PARKING REQUIREMENTS.
- TOTAL COMMERCIAL DENSITY EQUALS 0.40 FPA.
- MINIMUM OF 10% OF GROUND FLOOR STREET FRONTAGE IS OCCUPIED BY RETAIL/RESTAURANT USES.
- TOTAL NUMBER OF MPDHS IS 15 %.
- NO BUILDING SHALL CONTAIN MORE THAN 33 % MPDHS.
- MINIMUM OF 70% OF STREET FRONTAGES OF PARKING FACILITIES ARE CONCEALED BY OCCUPYABLE BUILDINGS.
- CONSTRUCTION OF INTERIOR STREETS WILL BE PHASED TO ACCOMMODATE DEVELOPMENT ASSOCIATED WITH EACH APPROVED USE PERMIT.
- ALL STORIES AND LEVELS MEASURED FROM GROUND LEVEL.

PROJECT TEAM

- DEVELOPER/CLIENT:**
 TWINBROOK COMMONS, LLC
 c/o THE JCG COMPANIES
 4445 HILLAND AVENUE
 SUITE 400
 CHEVY CHASE, MD 20815
 CONTACT: ROY LAWRENCE
 240-333-3600
- WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
 600 FIFTH STREET, NW
 WASHINGTON, DC 20001
 CONTACT: DEVIDEN #621
 202-562-1234
- ARCHITECT/ARCHITECT OF RECORD:**
 HOLLAND TARGHT LLP
 3 BETHESDA METRO CENTER
 SUITE 500
 BETHESDA, MARYLAND 20814
 CONTACT: PATRICIA PARSONS
 301-215-6613
- ARCHITECTURAL ENGINEER:**
 TOSCANI & PARTNERS
 1300 SPRING STREET, 4th FLOOR
 SILVER SPRING, MARYLAND 20910
 CONTACT: JOHN FOREI & MICHAEL MCKEALUS
 301-568-4800
- TRAFFIC ENGINEER:**
 WELLS & ASSOCIATES, LLC
 1420 SPRINGFIELD ROAD
 SUITE 600
 MOUNTAIN VIEW, VIRGINIA 22102
 CONTACT: HARRY WELLS
 703-917-6220
- LANDSCAPE ARCHITECT:**
 GRIFFIN ARCHITECTS
 601 PRINCE STREET
 ALEXANDRIA, VA 22314
 CONTACT: DENNIS CARMELOTTI
 703-641-1414, 4250
 703-543-2029
- CIVIL ENGINEER:**
 VERA, INC.
 20251 CENTURY BOULEVARD
 SUITE 400
 GERMANTOWN, MARYLAND 20874
 CONTACT: CHUCK ROSEI & KATHLEEN KUNZINGERS
 301-916-4100

LAND USE PLAN
 EXHIBIT "B"
TWINBROOK COMMONS
 CITY OF ROCKVILLE, 4TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

VIKA REVISIONS

- 4-04-05 - Change PDF to Land Use/Mapline 1, rev. scale 9'
- 3-31-05 - revisions to street/sidewalk summary.
- 3-30-05 - revised gen notes & street/sidewalk summary.
- 3-25-05 - add 164' north, dimensions & rev. Detail Page.
- 7-27-05 - revisions to Development Program chart.
- 7-14-05 - revisions to Development Program chart.
- 11-24-04 - revised gen note comments to show additional curb curb & service areas.

DATE	June, 2004
DES.	CM, JFD
SCALE	1" = 100'
PROJECT FILE NO.	VS40C
SHEET NO.	1 of 1

Twinbrook Commons

Twinbrook Metro
Rockville, Maryland

Owner
Washington Metropolitan Area
Transit Authority (WMATA)
Jackson Gateway Building
820 15th Street, NW
Washington, DC 20001
202.382.1234
www.wmata.com

Developer
Twinbrook Commons, LLC
c/o The BIG Companies
4443 Millard Avenue, Suite 400
Cherry Chase, Maryland 20815
242.333.3562
www.tbc.com

Architect
Torti Gallas and Partners, Inc.
1302 Spring Street, 6th Floor
Silver Spring, MD 20910
301.581.6220
www.tortigallas.com

Structural Engineer
TBD

MPE Engineer
TBD

Civil Engineer
Johnson Murrell Associates, Inc.
1285 Riverdale, Suite 200
Rockville, Maryland 20851
301.863.1133
www.jma-inc.net

Traffic and Transportation Consultant
Wells & Associates, LLC
1422 Spring Hill Road, Suite 800
McLean, Virginia 22102
703.917.8820

Parking Consultant
Walker Parking Consultants
800 West Valley Road, Suite 800
Wingate, PA 16097-1830
614.852.6200
www.walkerparking.com

Landscape
EDM Inc.
601 Pines Street
Alexandria, Virginia 22314
703.838.1414

Revisions

No. Date

Ground Fl. Plan~ Open Space Exhibit

Date
3/25/05

Principal in Charge
M.M., D.A.

Project Manager
M.D.

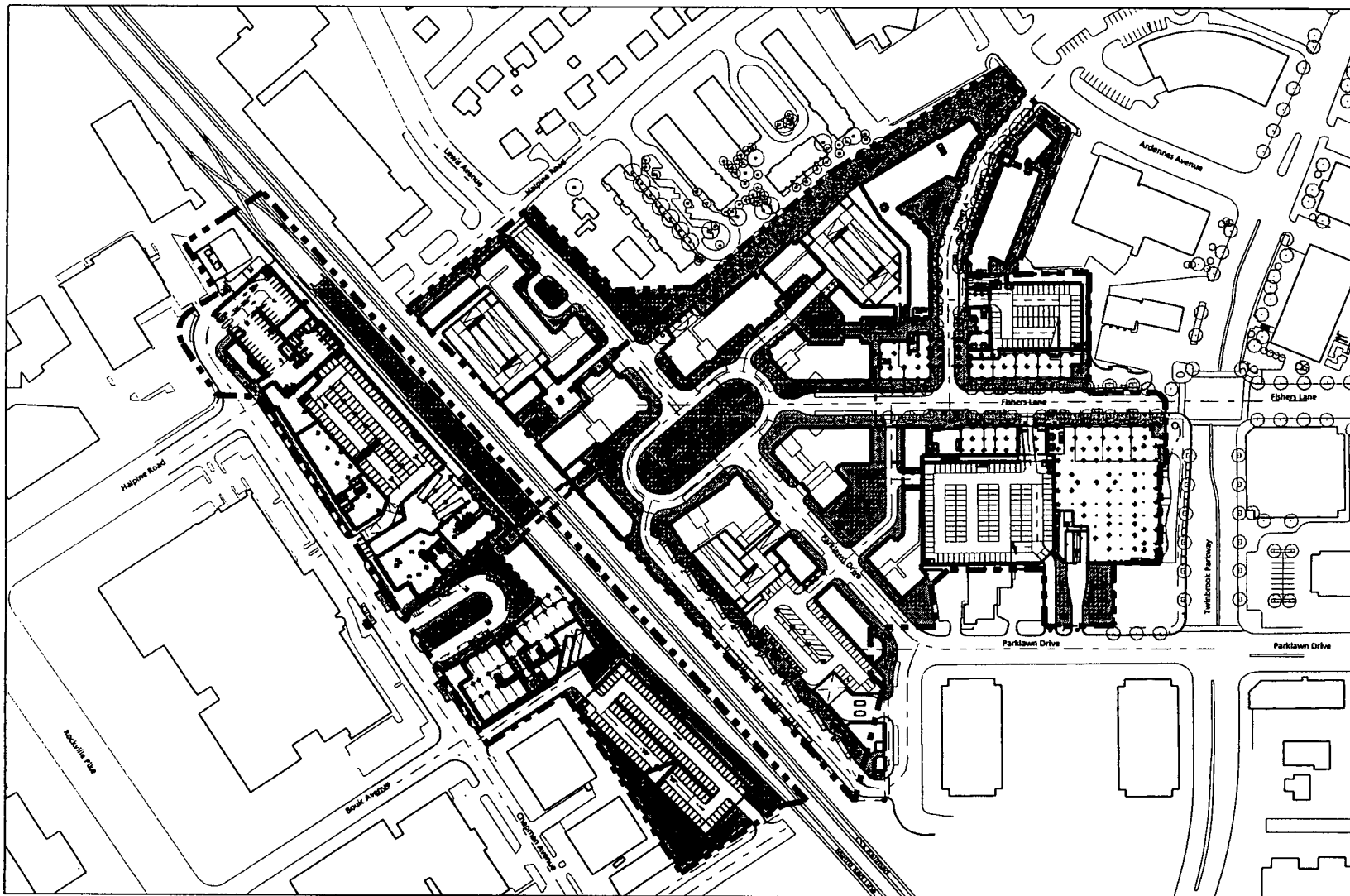
Approved
C.C.

Drawn
S.L.M.H.V.R./J.A.C.S.H.

Job No.
02171.00

Scale
1" = 80' - 0"

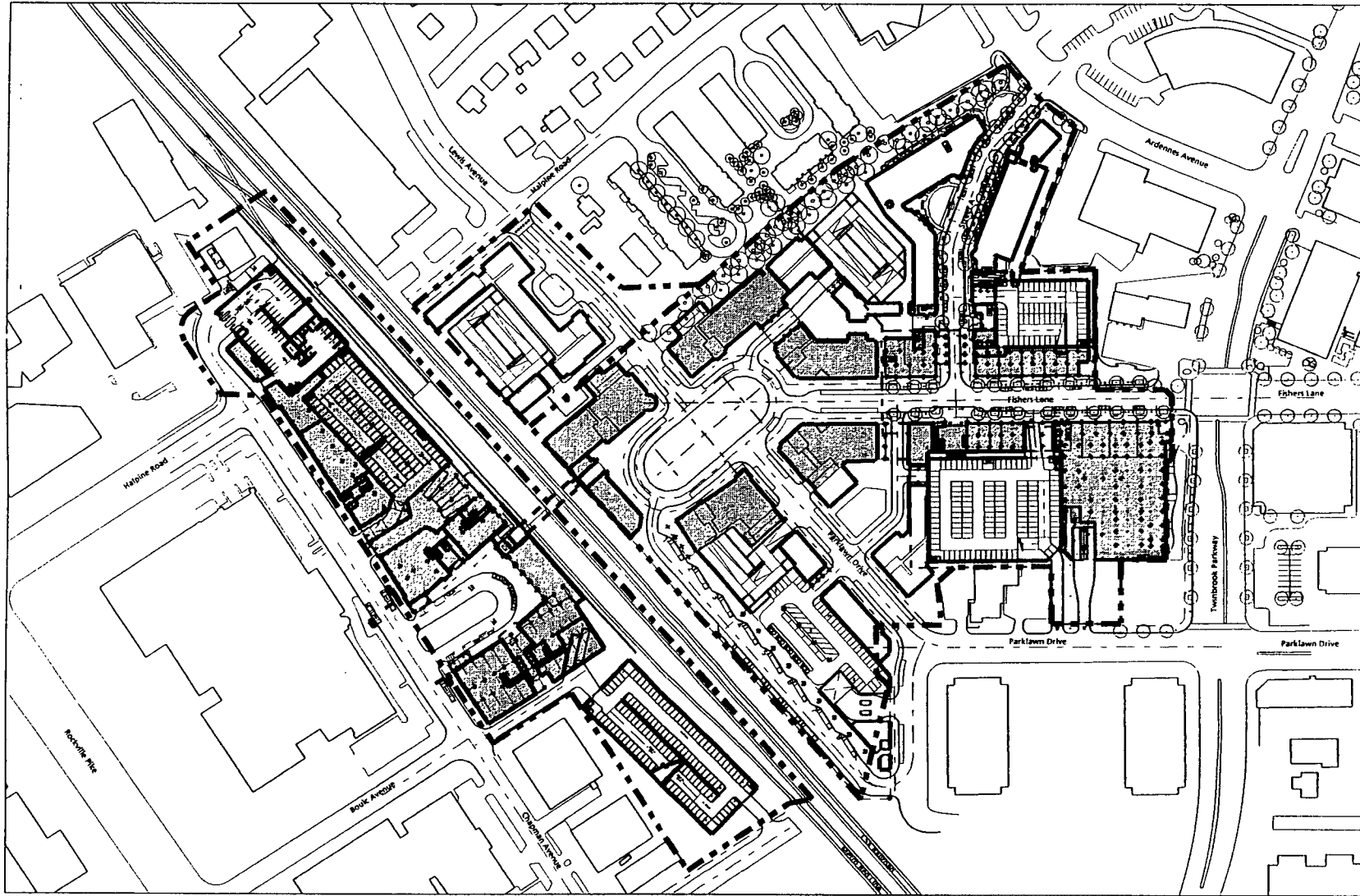
Drawing No.
A004



Ground Floor Plan~
Open Spaces Locations

EXHIBIT 2

EXHIBIT 3



 Retail Locations

Twinbrook Commons

Eastbrook Station
Rockville, Maryland

Owner
Washington Metropolitan Area
Express Authority (WMATA)
Jackson Graham Building
600 Fifth Street, NW
Washington, DC 20001
202.962.1234
www.wmata.com

Developer
Twinbrook Commons, LLC
c/o The JGC Companies
6400 Woodmont Avenue, Suite 400
Chevy Chase, Maryland 20815
240.333.3882
www.tjc.com

Architect
Tort Gallas and Partners, Inc.
1320 Spring Street, 4th Floor
Silver Spring, MD 20910
301.588.4200
www.tgpartners.com

Structural Engineer

ISD

MPE Engineer

ISD

Cost Engineer
Johnson Beaman Associates, Inc.
1320 Spring Street, Suite 350
Rockville, Maryland 20850
301.963.1113
www.jb-a.com

Traffic and Incorporation Consultant
Yield & Associates, LLC
1420 Spring Hill Road, Suite 600
Rockville, Virginia 27122
703.917.8870

Parking Consultant
Walker Parking Consultants
900 Fleet Valley Road, Suite 800
Blythe, PA 15015-1839
610.292.0200
www.walkerparking.com

Landscape
EDAW Inc.
801 Prince Street
Alexandria, Virginia 22314
703.837.1414

Revisions

No.	Date

Retail Plan Exhibit

Date
3/30/05
Principal in Charge
M.H., D.A.
Project Manager
M.D.
Approved
C.C.
Drawn
S.L., J.H., V.R., J.J.A.C., S.H.
Job No.
0211100
Scale
1" = 30' - 0"
Drawing No.

006

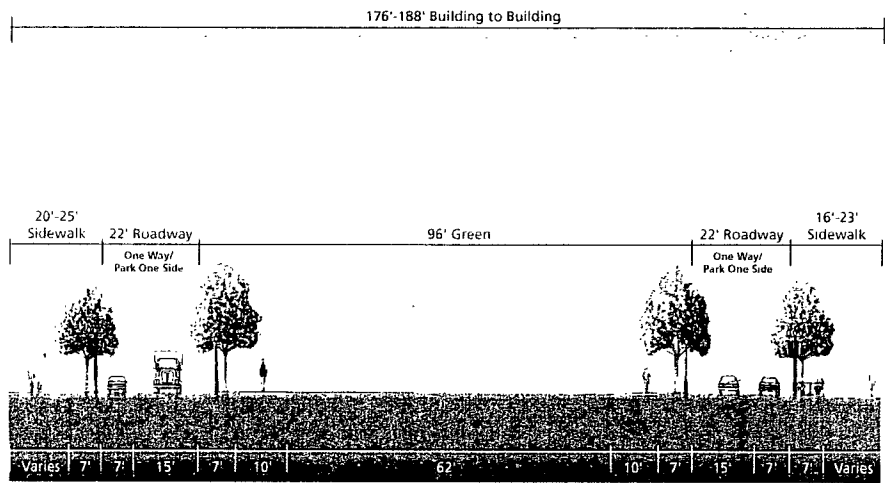
TORT GALLAS AND PARTNERS, INC.

Twinbrook Commons Recommended Off-Site Mitigation Package

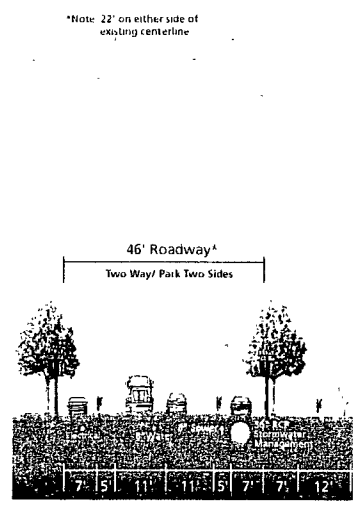
Twinbrook Commons Off-Site Traffic Mitigation Conceptual Estimate, 10-Jan-05									
		Intersection	Improvement	Type	Estimated Cost	Comments	V/C	Improve	ment
Pedestrian	1	Ardennes Ave./Halpine Rd.	Stamped Crosswalks	Pedestrian	\$ 160,000	possibility to enhance crosswalks without stamped asphalt to reduce cost			
	2	Chapman Ave/Thompson	Stamped crosswalks at Thompson	Pedestrian	\$ 40,000	low priority for TCA			
	3	Halpine Road/ Chapman Ave.	Raised Intersection	Pedestrian	\$ 80,000	possibility to raise intersection without stamped asphalt to reduce cost- high priority for TCA			
	4	Lewis Avenue/ Halpine/ Highwood/ Allison/ Henry	Pedestrian Improvements/Crosswalks/Lighting	Pedestrian	\$ 50,000	high priority for TCA			
	5	Twinbrook Pkwy / Ardennes Ave.	Stamped crosswalks	Pedestrian	\$ 160,000	possibility to enhance crosswalks without stamped asphalt to reduce cost			
	6	Twinbrook Pkwy / Chapman Ave.	Remove channelized right turns on Chapman SB and Twinbrook Pkwy WB	Pedestrian	\$ 75,000	low priority for TCA			
	7	Twinbrook Pkwy / Chapman Ave.	Countdown signals	Pedestrian	\$ 5,000	high priority for TCA			
	8	Twinbrook Pkwy / Fishers Lane	Countdown signals	Pedestrian	\$ 5,000	high priority for TCA			
Bicycle	9	Halpine Road	Construct reduced section w/ bike lanes b/t Rockville Pike and Chapman	Bike/Ped.	\$ 200,000	low priority for TCA			
Safety/ Traffic Calming	10	Edmonston Traffic Calming		Safety, Traffic Calming	\$ 100,000	Staff will develop the specific locations and projects in conjunction with TCA- high priority for TCA			
	11	Twinbrook Neighborhood Traffic Calming	speed humps, pedestrian enhancements, medians	Pedestrian, Safety, Traffic Calming	\$ 150,000	Staff will develop the specific locations and projects in conjunction with TCA- high priority for TCA			
	12	Rockville Pike / Bou Ave.	Re-stripe WB to allow triple lefts in shared lane	Capacity	\$ 20,000	low priority for TCA	1.23	11%	6%
	13	Rockville Pike / Twinbrook Pkwy / Rollins	Add WB right. Re-stripe WB Twinbrook Pkwy; (look at possibility of WB left)	Capacity	\$ 250,000	low priority for TCA- feel it's too far from the site	1.11	6%	12%
Capacity	14	Rollins Ave. / E. Jefferson St.	Add second WB left, restripe WB Rollins	Capacity	\$ 255,000	low priority for TCA	0.84	20%	19%
	15	Twinbrook Pkwy / Chapman Ave.	Add second NB right	Capacity	\$ 250,000	low priority for TCA	0.9	1%	20%
	16	Twinbrook Pkwy / Parklawn Drive	Re-stripe EB approach to be shared left/thru and exclusive right turn lanes	Capacity	\$ 15,000	low priority for TCA	1.02	19%	13%
	17	Veirs Mill Rd. / Twinbrook Pkwy	Re-stripe NB exclusive thru lane to be a shared left/thru lane	Capacity	\$ 25,000	high priority for TCA	1.19	3%	7%
	18	Lewis Ave.	Widen sidewalk on west side and provide street trees and crosswalks	Pedestrian	\$ 390,000	Length of sidewalk improvement may be shortened to reduce cost- low priority for TCA			
	19	Rockville Pike / Halpine Road	Add second WB right on Halpine	Capacity	\$ 250,000	low priority for TCA	1.09	0%	2%
	20	Rollins Ave.	Re-stripe from E. Jefferson to Rockville Pike	Capacity	\$ 25,000	low priority for TCA			
									total
									\$ 2,505,000

NOTES:

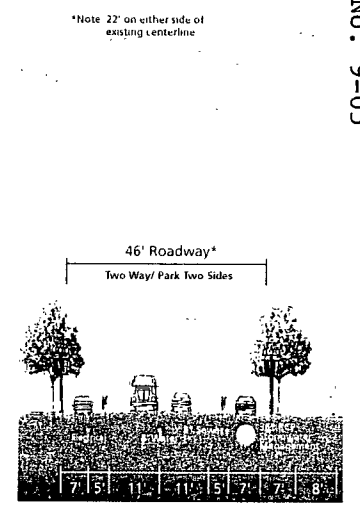
1. Recommended phase I improvements shaded grey
2. Seven of the 12 impacted intersections mitigated with this package
3. Of the remaining five impacted intersections, two are being considered for State projects and three were deemed either infeasible or undesirable by staff
4. Bold numbers indicate capacity improvement > 15%
5. Any improvements that can not be constructed due to ROW constraints, jurisdictional coordination or other reasons, will be replaced with an appropriate project per DPW and in coordination with the Applicant.



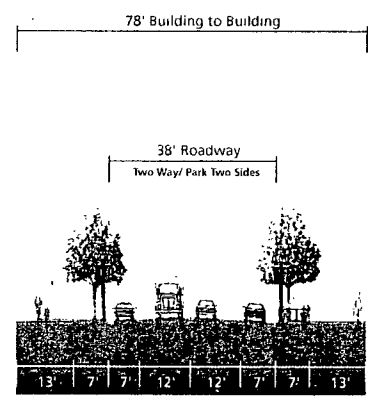
1. Village Green



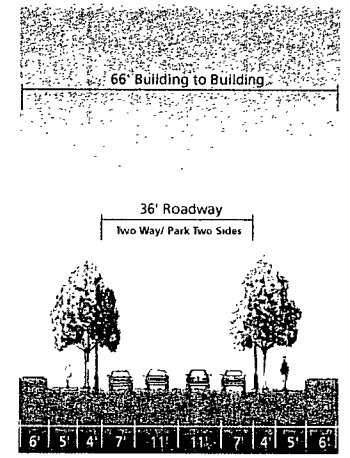
2. Chapman Avenue Type A
(Shared use bike trail south of Metro Plaza only)



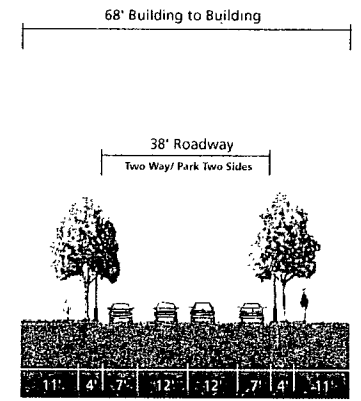
3. Chapman Avenue North of Halpine Road



4. Fishers Lane



5. Street A



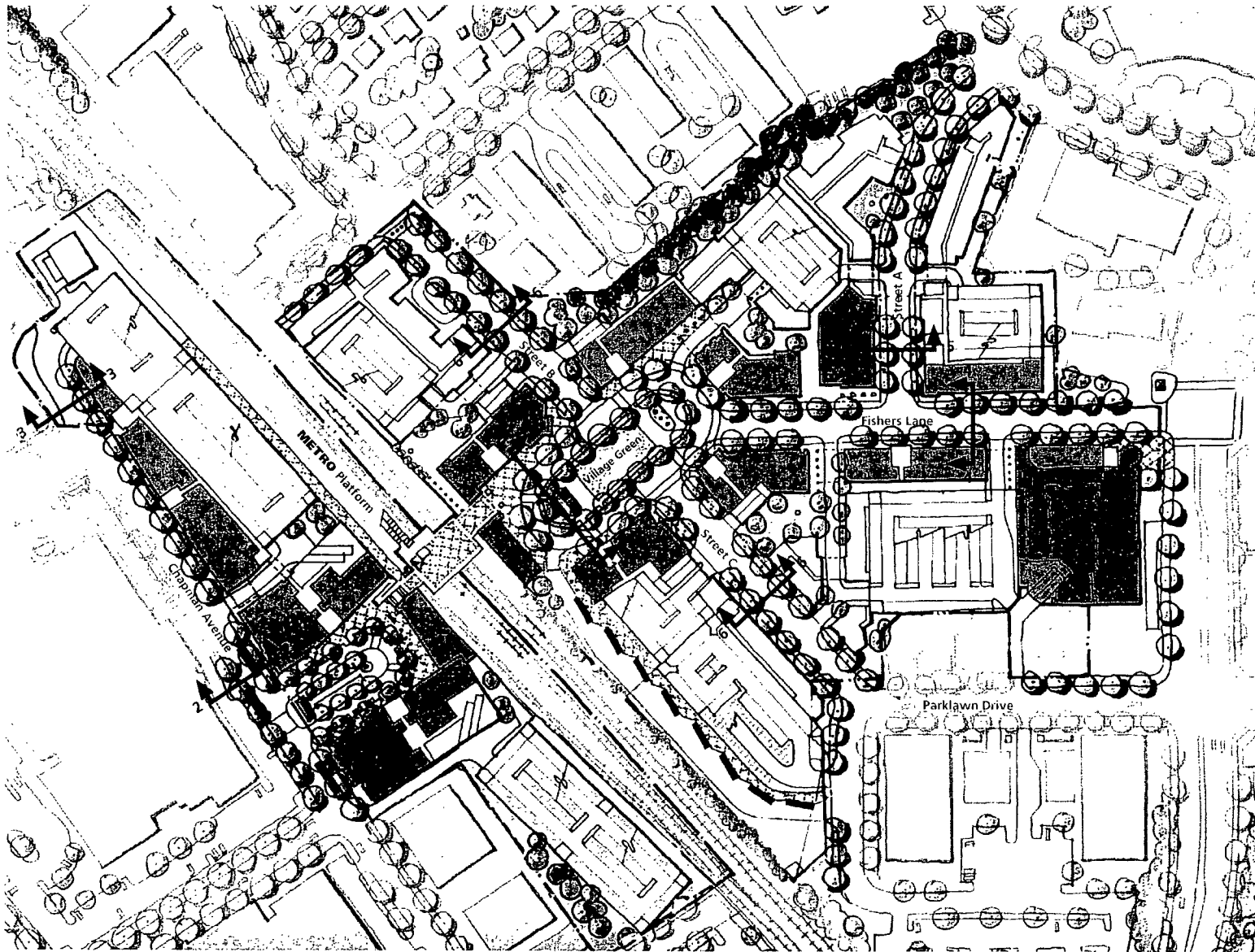
6. Streets B & C

Street Sections

THE JBG COMPANIES
FORI GALLAS AND PARTNERS

Exhibit 5A
TWINBROOK COMMONS

March 30, 2005

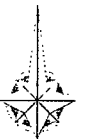


2005 Twinbrook Commons, Inc. 11300 Spring Street, Hillblom, Silver Spring, Maryland 20910 301 582 1200

Street Section Key Plan

THE JBG COMPANIES
FORTI GALLAS AND PARTNERS

Exhibit 5B



TWINBROOK COMMONS



City of Rockville
11 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Public Works
240-314-8500
TTY 240-314-8137
FAX 240-314-8539

Public Works Operations
240-314-8570
FAX 240-314-8589

Motor Vehicle Maintenance
240-314-8485
FAX 240-314-8499

Water Treatment Plant
240-314-8555
FAX 240-314-8564

December 9, 2004

EXHIBIT 6

Mr. John Kraus
The JBG Companies
4445 Willard Avenue
Chevy Chase, MD 20815

Subject: Twinbrook Commons Stormwater Management Concept Plan
PDP2004-00009, SMP2005-00022

Dear Mr. Kraus:

Your stormwater management (SWM) concept received on November 30, 2004 for the above referenced site is conditionally approved. This concept plan was previously submitted on January 20, 2004, July 9, 2004, and September 17, 2004. The proposed development on the WMATA Twinbrook METRO site consists of a mixed use of residential, commercial and retail with associated parking on the 26-acre site with an 82-acre contributory drainage area. The site drains into a twin pipe system in Ardennes Avenue that outfalls into a tributary of Rock Creek just east of the intersection of Alsace Lane and Halpine Road.

The SWM concept proposes the following measures for the 26-acre site with an assumed 17.7 impervious acres (not including the adjacent right of way):

1. Overbank Flood Protection (Q_{p10}) and Channel Protection Volume (C_{pv}) will be provided in five underground storage vaults located beneath parking garages throughout the site.
2. Water Quality Volume (WQ_v) shall be provided in various underground structural filtering systems located throughout the site in open areas, drive aisles or beneath garages. The WQ_v storage associated with the filtering systems will be located in the storage vaults beneath the garages. Some WQ_v may also be provided in two potential bioretention sites located in open space.
3. Recharge Volume (Re_v), if feasible, shall be provided in underground pipe systems or beneath the potential bioretention sites. Recharge shall only be required when there is a positive infiltration rate. The total Recharge Volume (Re_v) is based upon the soil specific recharge factor and may be subtracted from the total Water Quality Volume (WQ_v) when it is being treated upstream and separate from main storage vaults.
4. Green roofs may be utilized for commercial buildings. The green roofs will be treated as pervious "green" areas in computations for Runoff Curve Numbers (RCN) and WQ_v .

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

Mr. John Kraus
The JBG Companies
December 9, 2004
Page 2

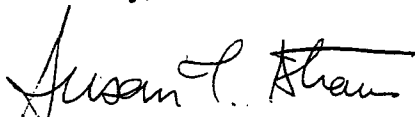
This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Provide safe conveyance of storm flows, including the 100-year storm event. In previous SWM concept submittals, improvements to the twin pipe storm drain located under Halpine Road were identified. Improvements may consist of increasing the pipe size under Halpine Road and reconstruction the outfall stabilization. Details of these improvements and any other safe conveyance issues will be resolved during use permit review and detailed engineering review.
2. All SWM facilities must function under gravity flows. Stormwater shall not be pumped out of SWM facilities in order to provide treatment.
3. The underground Water Quality and Recharge facilities shall not be located beneath the pavement of private roads that function as public roads. These facilities may be located in open space, parking areas, and drive aisles.
4. Complete a 100-year floodplain analysis for review and approval by DPW, including any associated floodplain variance required, according to City code, DPW standards, and the City's Environmental Guidelines.
5. Submit a SWM Easement /Maintenance Agreement signed by the property owners, including WMATA, for review and approval. Approved SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.
6. Submit detailed storm drain and stormwater management plans and computations for approval by DPW. Submit for review and approval the construction estimates, and permit fees associated with the SWM plans. Detailed review of the hydrology and SWM computations will occur at the detailed engineering stage.
7. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
8. Submit SMP permit application, permit fees, and SWM Database Sheets associated with the SWM plans for each phase of construction.
9. Provide SWM for each phase of construction. No building permits that allow the creation of impervious area can be issued unless SWM permits have been issued that provide treatment for this area. A SWM concept for specific phases must be submitted for review and approval prior to Use-Permit approval for individual sites within the PDP.

Mr. John Kraus
The JBG Companies
December 9, 2004
Page 3

If you have any questions, please contact John Scabis, Civil Engineer II, of my staff at 240-314-8514.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

STS/JS/akm

cc: Jeff Cineiro, Johnson Bernat Associates, Inc.
Deane Melander, Planner III
Mark Wessel, Civil Engineer III
John Scabis, Civil Engineer II-Environment
MCDPS, Rick Brush
Permit Plan
Day File