

Resolution No. 15-23

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2023-00015, an Amendment to the Tower Oaks Planned Development

WHEREAS, under Chapter 25 of the Rockville City Code, the Mayor and Council of Rockville (**“Mayor and Council”**) is authorized to review project plan applications; and

WHEREAS, on October 12, 1987, the Mayor and Council approved Resolution No. 25-87 approving Comprehensive Planned Development Application CPD-1-85 for a comprehensive planned development on 192 acres, more or less, known as the Tower Oaks tract, located east of Interstate 270, north and west of Woodmont Country Club, and south of New Mark Commons, in accordance with a plan submitted under the then O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance then in effect (the **“Approved Concept Plan”**); and

WHEREAS the Approved Concept Plan proposed a major office park development with related services, containing approximately 2.5 million square feet of floor space and a residential component with up to 275 dwelling units; and

WHEREAS, on September 27, 1993, the Mayor and Council approved Resolution 21-93, amending the Approved Concept Plan by eliminating a proposed lake as an element of the Approved Concept Plan, and adding a public parkland element and a potential site for a stormwater management facility; and

WHEREAS, on January 8, 2001, the Mayor and Council approved Resolution No. 1-01, amending the Approved Concept Plan subject to certain conditions, revisions and modifications affecting development density, nonresidential floor area, and the public open space; and

WHEREAS, on August 1, 2016, the Mayor and Council approved Resolution No. 20-16, amending again the Approved Concept Plan subject to certain conditions, revisions and modifications allowing for up to 375 residential units instead of 755,000 square feet of office development on the east side of Preserve Parkway; and

WHEREAS, in accordance with the Approved Concept Plan, as amended, development is allocated among seven Development Areas; and

WHEREAS, in accordance with the Approved Concept Plan, as amended, development of

400,000 gross square feet of office use, a 300-unit hotel (200 traditional guest rooms and 100 hotel residences), and 75,000 gross square feet for health and recreation facilities is permitted within Development Area 4; and

WHEREAS, on November 28, 2022, Harris Properties, LLC (the “**Applicant**”) filed Project Plan Application PJT2023-00015 (the “**Project Plan Application**” or “**Application**”), pursuant to Section 25.14.07.e of the Zoning Ordinance, proposing to amend the Approved Concept Plan to allow for the development of 82 Townhouses, including a minimum of 15% Moderately Priced Dwelling Units (“**MPDUs**”), and associated amenities and infrastructure (the “**Residential Project**”) on an area consisting of approximately 6.1 acres of land within Development Area 4 (the “**Property**”) and requesting an 18% parking reduction for the existing Office Building (the “**Office Parking Reduction**”) located at 2000 Tower Oaks Boulevard within Development Area 4 of the Tower Oaks Planned Development; and

WHEREAS, the Residential Project is proposed as an alternative to the development of the hotel and health and recreation facilities on the Property as provided in Condition No. 5 of this Resolution; and

WHEREAS, the approvals, development standards and conditions contained in this Resolution apply only to the development of the Residential Project and to the request for Office Parking Reduction on the Property; and

WHEREAS, pursuant to Sections 25.07.03 and 25.07.07 of the Zoning Ordinance, the Applicant met all notice requirements and conducted two public area meetings: a pre-application area meeting held on August 22, 2022, and a post-application area meeting held on November 30, 2022; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission and the Mayor and Council received briefings on the Application on March 8, 2023 and April 24, 2023, respectively; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission at its meeting on July 26, 2023, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application subject to certain conditions; and

WHEREAS, pursuant to Sections 25.05.03, 25.07.03, and 25.07.07 of the Zoning

Ordinance, a duly noticed public hearing on the Application was held by the Mayor and Council on October 2, 2023, at which the Mayor and Council heard testimony and received evidence on the Application; and

WHEREAS, at its October 30, 2023 meeting, the Mayor and Council found and determined that approval of the Application would promote the health, safety and welfare of the citizens of Rockville, and the Mayor and Council made further findings set forth herein, based upon information presented and testimony provided as contained in the public record.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council approves Project Plan Application PJT2023-00015, to allow 82 townhouses, including a minimum of 15% MPDUs, associated amenities and infrastructure, and an 18% parking reduction (a reduction of 115 vehicle parking spaces, from 650 spaces to 535 spaces) for the existing office building on the Property, subject to the following conditions:

1. The proposed development will be designed and constructed in a manner consistent with the concept design, graphic conceptual representation, and all associated development tables included in the project plan set.
2. All construction of Public Streets B and C and public improvements related thereto must meet the requirements of the City of Rockville building, fire, and life safety codes, as well as all applicable accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government.
3. At the Level II Site Plan, the Applicant must submit the bicycle parking plan for the property located at 2000 Tower Preserve Blvd consistent with the Bicycle Parking Plan narrative. The plan must indicate the location of all existing and proposed short-term and long-term bicycle parking so as to increase the number of long-term spaces in the garage from the current 20 to 40, and increase the number of short-term spaces outside from the current seven (7) to a minimum of fourteen (14), in accordance with the bicycle parking space design standards in Section 25.16.09.
5. The existing hotel and fitness center uses designated for this site must remain as a valid approval until such time that the first building permit is issued for the development of the proposed residential townhouse use on the site, at which time the existing uses will expire.
6. The Applicant must provide at least one publicly accessible electric vehicle (EV) charging station, unless staff determines there is no feasible publicly accessible location. The final location of the EV charging station shall be coordinated with staff during review of the Level II Site Plan

and approved with the Level II Site Plan if staff determines a feasible publicly accessible location exists.

7. The Applicant must construct all proposed roads, private alleys and public improvements within the Property per City standards and specifications, except as otherwise approved or waived. Minor deviation from the approved cross-sections requires approval from the Director of Public Works at the Site Plan phase. The right-of-way for all public roads within the Property must be dedicated to public use in accordance with the Project Plan and exhibits and shall be reflected on a Final Record Plat to be reviewed by staff and approved by the Planning Commission and other approving agencies having an interest in the right-of-way dedication.
8. Applicant must construct all necessary public improvements, including but not limited to street trees, streetlights, street light conduit, and traffic signals in accordance with all applicable City standards. Public improvements must be located within the right-of-way or within a Public Improvements Easement as approved by the Director of Public Works.
9. The street cross-sections for Streets A, B and C are contingent upon Mayor and Council's authorization of Road Code Waivers from Chapter 21 of the Rockville City Code. Should Mayor and Council approve the Road Code Waivers, all street sections shall comply with the Project Plan and exhibits. Any deviation from the sections must be approved by the Director of Public Works at the Site Plan phase.
10. Mayor and Council approval of the Project Plan does not constitute approval of the Grade Establishment for all proposed public roads. The Grade Establishment for proposed public roads B and C must be submitted for review with the initial Site Plan submission and must be approved prior to the Site Plan approval. The maximum slopes on public roads B and C and sidewalks within the rights-of-way of public roads B and C may not exceed 5.0% (4.8% to allow for construction tolerance) without prior approval from Director of Public Works.
11. Applicant shall grant a Public Access Easement (PAE) across the entire width of the privately maintained alleys and grant a 1' Public Improvement Easements (PIE) adjacent to public rights-of-way for maintenance of public sidewalks as shown on the Project Plan and exhibits. Any deviation from the location of the PIE must be approved by the Director of Public Works at the Site Plan phase. The PAE and PIE must be reviewed and approved by DPW and in a format acceptable to the Office of the City Attorney and be recorded in the Montgomery County Land Records, prior to DPW issuance of any Public Works (PWK) permit.

12. Applicant shall execute a Revocable Right-of-Way Agreement authorized by Mayor and Council for the shared maintenance of Stormwater Management Facilities located within the public right-of-way. The agreement must be executed by the property owner and other parties of interest and submitted for review and approval by DPW and the Office of the City Attorney. The Agreement must be recorded in the Montgomery County Land Records with the land associated with the proposed streetscape or private improvements prior to DPW issuance of a Stormwater Management Permit for these facilities.
13. Applicant shall execute a Revocable Right-of-Way Agreement authorized by Mayor and Council for the private maintenance of existing private amenities to remain within the dedicated Street A public right-of-way. The agreement must be executed by the property owner and other parties of interest and submitted for review and approval by DPW and the Office of the City Attorney. The Agreement must be recorded in the Montgomery County Land Records with the land associated with the proposed streetscape or private improvements prior to the issuance of a Public Works Permit by the Department of Public Works.
14. Comply with conditions of DPW's Pre-Application SWM Concept dated October 18, 2023.
15. Comply with the conditions of DPW's Water and Sewer Authorization Letter dated July 11, 2023.
16. Prior to the final approval of the Site Plan by the Planning Commission, Applicant must clearly identify all existing easements and restrictions on the Property and clarify whether the easements will remain or be extinguished upon the complete build-out of the Project Plan. Mayor and Council must authorize the termination of any existing easement that is dedicated to the City of Rockville. Any termination of an easement dedicated to the city must be reviewed and approved in a format acceptable to the Office of the City Attorney and be recorded in the Montgomery County Land Records prior to issuance of any DPW permit. If required by the terms of any existing easement granted to an entity other than the City of Rockville, Applicant must submit plans for work within the easement to Grantee for review. Any proposed development activity within an existing easement will require the permission of the Grantee or the extinguishment of the easement. Written permission must be obtained prior to the final approval of the Site Plan by the Planning Commission.
17. Applicant must construct all proposed dry utilities underground within Public Utility Easements (PUE) unless otherwise permitted to be located elsewhere by the Director of Public Works. At the Site Plan phase, the Applicant must submit a conceptual dry utility plan to be approved by both the utility companies and the Department of Public Works.

18. Conceptual details for any retaining walls adjacent to the Stream Valley Buffer and Stormwater Management Pond must be submitted to the Department of Public Works for review prior to approval of the Site Plan, Development Stormwater Management Concept, or Preliminary Sediment Control.
19. Consistent with the revised street cross-sections for Streets A, Applicant must construct a new 5-foot-wide sidewalk on the south side of Street A between Street B and Wootton Parkway.
20. During the site plan process, the Applicant will need to submit a proposed traffic signal plan, with wiring diagram, to modify the existing signal at Public Street A and Tower Oaks Boulevard with the proposed additional signal head.
21. The Applicant shall install light-emitting diode (LED) streetlight fixtures within the proposed development. Streetlight materials and locations of lights shall be approved with the issuance of the Public Works permit. All conduit and underground infrastructure shall be specified according to the current Pepco and/or City standards and shall be approved by Pepco prior to the issuance of the Public Works permit.
22. All internal traffic control devices (i.e., signs, marking and devices placed on, over or adjacent to a roadway or walkway) to regulate, warn or guide pedestrians and/or vehicular traffic shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). The signing and pavement marking plans shall be subject to approval by the Chief, Traffic and Transportation Division, and shall be included in the site plan signature set.
23. Prior to final approval of the Project Plan, the applicable and required waivers from Chapter 21 of the Rockville City Code for proposed streets A (existing private access drive), B and C (new streets) and proposed Alley D, must be authorized and approved by Mayor and Council.
24. The Applicant must obtain an approved Preliminary Forest Conservation Plan (PFCP), prior to the submission of the Level II Site Plan.
25. The Applicant must meet all requirements of Chapter 10.5, Forest and Tree Preservation Ordinance and applicable City requirements, prior to the approval of a Final Forest Conservation Plan for the subject development.
26. The Applicant must obtain a forestry permit, to implement improvements associated with the approved Final Forest Conservation Plan.
27. Prior to the issuance of a forestry permit, the Applicant must submit and execute the required legal documents, including forestry bond, 5 year warranty and maintenance agreement, and forest conservation easement documents.

28. Prior to the issuance of a forestry permit, the Applicant must record the associated forest conservation easement in the Montgomery County Land Records.
29. The Applicant is providing 15% of the total units as MPDUs unit. 13 MPDU units are income tiered at three income bands—50%, 60% and 80% of AMI (4 units at 50% AMI, 4 units at 60% AMI, and 5 units at 80% AMI), as provided below:

2022 Income Level (4P Household)	Income	# of MPDUs	Maximum @ Sales Price
80% AMI	\$113,840	5	\$340,000
60% AMI	\$85,380	4	\$245,000
50% AMI	\$71,150	4	\$195,000
TOTAL		13	

30. All MPDUs must have a minimum of 1,200 square feet of habitable space and must include at least 3 bedrooms, 2 bathrooms, and space for 2 cars on each property. Two car spaces must each have a minimum dimension of 9 ft. X 18 ft.
31. The Applicant must provide the list and location (site map) of all the MPDU units as shown on the approved plans. Any revisions to these locations will be subject to the approval of the Department of Housing and Community Development. Any changes to the location will be subject to an amendment of the Declaration of Covenants, depending on the timing of the change.
32. Declaration of Covenants must be recorded and MPDU Sales Offering Agreement must be executed in a form approved by Mayor and Council and by the Office of the City Attorney before issuance of any building permit.
33. The Applicant must comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a concept plan for approval prior to issuance of a building permit.
34. All conditions of the Approved Concept Plan, as amended, shall remain in effect except as specifically modified by this Project Plan Application and the conditions set forth above. The approvals, development standards, and conditions contained in this Resolution apply only to the development of the Residential Project and to the request for Office Parking Reduction on the Property.

BE IT FURTHER RESOLVED THAT, for the purposes of this Resolution, the approved Project Plan means this Resolution and the exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions, and writings on the Exhibits, except as modified by the above conditions of approval:

1. Exhibit A: Project Plan Site Plan dated August 16, 2023;
2. Exhibit B: Architectural Plan Set / Schematic Building Designs;
3. Exhibit C: Tower Oaks Planned Development, Resolution No. 25-87;
4. Exhibit D: Tower Oaks Planned Development, Resolution No. 21-93;
5. Exhibit E: Tower Oaks Planned Development, Resolution No. 1-01;
6. Exhibit F: Tower Oaks Planned Development, Resolution No. 20-16;
7. Exhibit G: Natural Resource Inventory/Forest Stand Delineation;
8. Exhibit H: Water and Sewer Authorization Letter; and
9. Exhibit I: Stormwater Management Concept Letter.

BE IT FURTHER RESOLVED THAT, having considered the recommendations and findings of its Staff as presented at the public hearings on this Application and as set forth in the Staff Report on the Application presented to the Mayor and Council at its October 2, 2023 meeting, which the Mayor and Council hereby adopt and incorporate by reference, except as modified herein, and upon consideration of the entire administrative record, the Mayor and Council, pursuant to Section 25.07.01.b.2 of the Zoning Ordinance, finds and determines, subject to the above conditions of approval, that:

1. **The Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project.**

The development envisioned by the Project Plan is attractive, compatible and integrates well with the surrounding neighborhood. The Residential Project consists of 82 townhouses, of which 13 (or 15%) are reserved for moderately priced dwelling units ("MPDUs"). The Applicant has agreed to income tiered affordability bands of 50%, 60%, and 80% AMI for the MPDUs. Attractive and functional open and public use space is proposed in the form of a centralized community green and a tot lot play area.

Upgrades to existing infrastructure in the form of pedestrian and bicycle access is proposed, which will benefit both future residents and those working in the neighborhood. Furthermore, the Applicant has agreed to add sidewalk along all of Public Street “A”. The addition of these improvements should help increase the health and safety of persons. The Residential Project is designed as a walkable community and is also surrounded by a robust multi-modal transportation network that provides ease of access to employment centers, food and shopping establishments, and public transportation.

2. The Application will not be in conflict with the plan.

The Residential Project is located within Planning Area 12 (Tower Oaks) of the City of Rockville’s Comprehensive Plan, Rockville 2040 (the “**2040 Plan**”). The 2040 Plan includes the following goals, policies and actions that are compatible with this development proposal.

- Addressing key concerns, including “Interest in minimizing adverse environmental impacts from development of remaining natural areas on forests, habitat fragmentation, and species displacement” and “Concern about the relatively slow pace of site development.”
- “Foster sufficient market-rate housing development to provide housing affordable for the wide range of those who live, and wish to live, in Rockville.”
- “Promote diversity in the supply of housing to meet market demand and the wide range of community needs and household incomes.”
- “Allow new housing in locations where amenities and infrastructure already exist, and that are compatible with the existing neighborhood.”

There are many sections within the Planning Area 12 chapter of the 2040 Plan, as cited above, that call for additional residential units.

Additionally, the 2040 Plan calls for incorporating bicycle infrastructure in the project. Specifically, it states, “Preservation of natural features and new open space, bike and pedestrian infrastructure, and other community amenities and features (including a

community center) should be incorporated into new projects, helping to serve the entire area, as was envisioned with the original Comprehensive Planned Development” (page 368). The Application includes a buffered bike lane along Public Street A. This lane is separated from traffic by a striped buffer throughout the frontage of the project site, before it terminates into a “sharrow” north of the intersection of Public Street A and Public Street B. This bike lane also connects into the existing shared sidewalk and bike path along the south of the site.

3. The Application will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted adequate public facilities standards.

The Residential Project will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted adequate public facilities standards.

Schools:

The Property is served by the Richard Montgomery Cluster Area (Bayard Rustin Elementary, Julius West Middle School, and Richard Montgomery High School), and is located within a Turnover School Impact Area. Using the corresponding Montgomery County FY2024 Student Generation Rates, the Residential Project will generate the following number of students:

- 18 students at the elementary school grade level
- 10 students at the middle school level
- 14 students at the high school level.

The current school standards of the APFS utilize a seat deficit and capacity percentage calculation to determine adequacy. The maximum permitted capacity level is 120% and no more than a 110-seat capacity deficit in elementary schools and 180-seat capacity deficit in middle schools. The Application meets these standards for the elementary and middle school levels as shown in the table below. Although the table presents a percent utilization that is above the 120 threshold at the high school level, capacity at Richard Montgomery is slated to be adequate due to an approved CIP project that will reassign

students among Gaithersburg HS, Richard Montgomery HS, Quince Orchard HS, Thomas S. Wootton HS, and Crown HS in Fall 2027.

School Test: Seat Deficit $\geq$ 110 Seats (Elem.) or $\geq$ 180 (Middle) and Percent Utilization $>120\%$ (Elem., Middle, and HS) = Moratorium						
School Type (Richard Montgomery Cluster)	Projected 2028-29 Enrollment	Students Generated by Proposed Development	100% MCPS Program Capacity 2028-29	Enrollment Including Proposed Development	School Percent Utilization in 2028-2029	School Percent Utilization in 2028—29 with Proposed Development
Bayard Rustin Elementary	765	18	790	783	96.8%	99.1%
Julius West MS	1,351	10	1,432	1,361	94.3%	95%
Richard Montgomery HS	2,755	14	2,250	2,769	122.4%	123%

Water and Sewer:

In a letter dated July 11, 2023 (see “Water and Sewer Authorization Letter” attachment) the proposed development received Water and Sewer Authorization approval from the Department of Public Works (DPW) for connection to the City’s water and sanitary sewer systems. The Applicant will construct a network of water and sanitary sewer infrastructure to serve the development. The Applicant may be required to construct improvements to mitigate deficiencies associated with existing private infrastructure which shall be conveyed to the City for public use through right-of-way and easement dedications. Prior to City acceptance, the existing private sewer system must be inspected, as-built surveyed and its condition assessed to ensure it meets current standards and specifications. The Water and Sewer Authorization letter lists project specific conditions of approval.

Roadway Network Analysis:

A limited in scope On-Site Transportation Report was prepared in accordance with the City’s Comprehensive Transportation Review (CTR) requirements and was reviewed by T&T staff, since the proposed development with consideration of all vested AM and PM peak trips for approved uses is projected to generate less than 30 net new peak hour

trips. The submitted on-site Transportation Report focused on the site access, on-site circulation, transit, pedestrian, and bicycle accessibility and accommodations and to ensure adequate transportation facilities exist during and after a development project is complete as required by the CTR.

Based on this review, (1) the proposed development of 82 residential townhouses will not generate thirty (30) or more new peak hour vehicle trips, as shown below; (2) will not substantively alter or change vehicular traffic flow movements in and around the site; and (3) the application is not required to pay the CTR required Transportation Improvement Fee.

Trip Generation:

Traffic volumes generated by the site were calculated using the latest ITE Trip Generation Manual, for AM and PM commuter peak hours. Below is the proposed development peak hour trip generation, demonstrating that the Application will result in a reduction in the new trips generated, as compared to the current uses approved for the Property:

	AM Peak	PM Peak
<u>Proposed</u>		
82 residential Townhouses	39	43
Subtotal	39	43
<u>Existing Approved Development</u>		
300 – Room Hotel	143	194
75,000 SF Fitness Club	98	259
Subtotal	241	453
New Trips Generated	-202	-410

4. The Application will not constitute a violation of any provision of the Zoning Code or other applicable law.

Based on the staff report and other evidence of record, the Application is consistent with the requirements of the Zoning Ordinance. All development standards, including landscaping, open area and public use space requirements, have been met during this Project Plan stage of the development project.

The Applicant did not request any waivers from the development standards in the Zoning Ordinance for the Residential Project. However, the Applicant did request a reduction to the parking requirements in accordance with Section 25.16.03.h for the existing office building located at 2000 Tower Oaks Boulevard. As described in the staff report for the Application, three out of the six criteria to be authorized for a parking reduction are met. In addition, the Applicant will upgrade the bicycle parking in the office building by providing additional long-term and short-term bicycle parking, meeting the bicycle parking space design standards of Section 25.16.09 of the Zoning Ordinance. The Mayor and Council therefore approves the parking reduction requested by the Applicant.

The proposed land use is compatible with the uses identified in the land use table in the Zoning Ordinance for the MXE Zone and is also consistent with the Comprehensive Plan as detailed above. The requirements under Zoning Ordinance Sections 25.13.06 (Additional design guidelines) and 25.13.07.c (Special design regulations for individual mixed-use zones – MXE) will ensure thoughtful and sensitive design is utilized in this project. Compliance with these sections will be confirmed during the subsequent site plan review. The Application also complies with other MXE Zone development standards to include height requirements and setbacks.

The Zoning Ordinance requires 20% open space and 5% public use space, and the Applicant has reserved enough land area to comply with this requirement. The Applicant has also provided a play area.

Newly constructed sidewalks and pedestrian elements within the right-of-way shall be fully accessible and comply with the criteria for accessible routes in the 2010 ADA Standards for Accessible Design. Where the running slope of a sidewalk exceeds 1:20, such sidewalk or portion thereof shall comply with the requirements for ramps found in §405 of the 2010 ADA Standards for Accessible Design. Conformance with other requirements, including but not limited to other zoning requirements, city codes, and the building code, will be confirmed through the site plan, permit review, or other applicable process.

5. **The Application will not adversely affect the natural resources or environment of the City of surrounding areas.**

Stormwater Management:

Stormwater Management (SWM) for this project will be provided for all new and replacement impervious area as required by Chapter 19 of the Rockville City Code. On-site SWM is being provided by the Applicant through the construction of Environmental Site Design measures including micro-bioretenention facilities to treat runoff to the Maximum Extent Practicable. SWM shall also be provided in accordance with “Amended and Restated Memorandum of Understanding – Tower Oaks Regional Stormwater Management Facility – 2019” (“Amended MOU”) recorded in the Montgomery County Land Records at Book 62479 Page 410.

Forestry:

This project will meet all requirements of Chapter 10.5 of the City’s Forest and Tree Preservation Ordinance in addition to any additional City or State requirements.

The site as a whole is under an existing Forest Conservation Plan, FTP2001-00005. The Property is designated as phase II of the existing Forest Conservation Plan. The Applicant’s subject proposal requires an amendment to that underlying plan to reflect the proposed townhouse development. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by staff on October 17, 2023.

The Applicant submitted a Preliminary Forest Conservation Plan (PFCP) to amend the existing Forest Conservation Plan on November 28, 2022. The PFCP must be approved prior to the submission of the Level II Site Plan application, and a Final Forest Conservation Plan must be approved prior to the Level II Site Plan signature set approval.

Forest Conservation:

Overall, the site is meeting its forest conservation requirements through FTP2001-00005. The Applicant is proposing to remove an isolated forest stand (~10,000 sf), currently under a forest conservation easement (proposed for release) adjacent to Tower Oaks Boulevard. The Applicant is proposing to replace the forested area with additional areas of reforestation (~7,600 sf) at the rear of the development in addition to several individual tree plantings within the development. The areas of reforestation at the rear of the development are contiguous to the stream valley buffer, which staff supports.

The newly retained forest will be required to be placed under a forest conservation easement, in addition to the individual tree plantings (credited) planted throughout the site.

Significant Trees:

The PFCP currently shows the removal of 52 significant trees on-site, resulting in a replacement requirement of 168 tree plantings per Chapter 10.5.

Street Trees and Lot Trees:

Consistent with the requirements of Zoning Ordinance Section 25.21.21.a, the Applicant is proposing to plant 72 street trees within the public right-of-way being created through the project.

In total, the Applicant is proposing to plant 105 lot trees to meet the requirements of Section 25.21.21.b. Due to site constraints, some of the required lot trees are proposed to be planted elsewhere on the site. Section 25.21.21.b allows the approval of tree plantings elsewhere on the site in lieu of the on-site requirements, provided certain findings are met. The Applicant will be seeking approval of these off-lot plantings by the Planning Commission, at the time of the Site Plan under Section 25.21.21.b of the Zoning Ordinance.

Fire:

Fire access is met for the proposed project.

Historic Resources:

The property is not within a historic district and has no potential historic resources on site.

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 October 30, 2023.


Sara Taylor-Ferrell
City Clerk/Director of Council Operations

'Exhibit A'

TOWER PRESERVE

& EXISTING 2000 TOWER OAKS
BOULEVARD OFFICE BUILDING
PROJECT PLAN AMENDMENT

Property Information		#2020 (2000) Equivalent
Zoning		SP
Total Area (Entire Application - Parcel C and D)		184,219.37 8.81 AC
Total Area (Entire Application - Parcel D)		255,247.57 11.90 AC
Total Area (Entire Application - Parcel D)		18,429.10 0.84 AC
Proposed Development		189,231.97 8.83 AC
Development Program Residential Units Project total (2000) Townhomes 82 Rear Lot/Corner Townhomes 53		
MPDUs Minimum Required 1,007.9 % Proposed 23 15.0% Proposed 12 14.0%		
Building Height Maximum Allowed 75 4 Stories Required 55		
Open Space Minimum Required 25,356.34 1.16 AC 25,356.34 1.16 AC Proposed 25,356.34 1.16 AC 8.2% 14,000.57 0.65 AC		
Building Setbacks Minimum Required Proposed Front 0 Side 0 Rear 0		
Parking Minimum Required 220 Proposed Townhome, 2% front load (2 per unit) 59 8.7 Townhome, 5% rear load (2 per unit) 184 27 Total Local Parking 243 35.7 On-Street Parking 194 29 Total Parking Provided 437 220		
Traffic/Bus Parking Needs from parking on Bus Rapid Load townhome units 29.0 Excess from parking on On-Street Parking 56.0 0.68 space per unit		
Accessible Parking Minimum Required 2 Townhome 0		
Bicycle Parking Minimum Required 0 Townhome/Build C 0 Corner Townhome 0		

(1) The 2.73 acre property located at 2000 Tower Oaks Boulevard is only included in this amendment for purposes of seeking a parking waiver for the existing office building on that property, which will remain. Therefore, the development standards depicted hereon relate solely to the 6.30-acre development parcel.

GENERAL NOTES

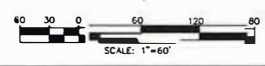
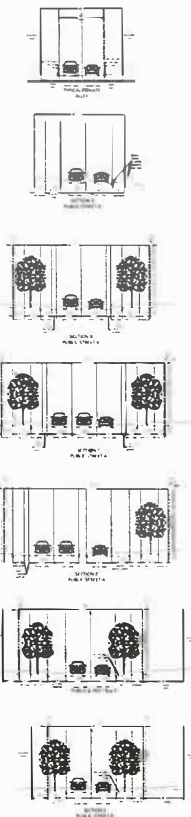
- THE PROPERTY IS 6.10 ACRES.
THE SUBJECT PROPERTY COMBINES THE FOLLOWING PROPERTIES:
PARCEL C AND D, PLAT NO. 23507, TAX MAP Q233, TAX ACT NO. 04-0380162 (CITY OF ROOVLIE);
PARCEL C OF CURRENTLY ZONED PD-01;
THE SITES LOCATED ON D, PLAT NO. 237006, Q233, TAX ACT NO. 2264870;
BOUNDARY AND TOPOGRAPHIC DATA BY VIKA MARLAND, SEPTEMBER, 2021;
THERE IS NO 300 YEAR FLOODPLAIN LOCATED ON THE SITE.
THERE IS STREAM WADLEY BUFFER LOCATED ON THE SITE.
THERE ARE NO WETLANDS LOCATED ON THE SITE.
THE BUILDING AT 7000+ CHOCOLATE BOULEVARD WILL BE BROUGHT UP TO CURRENT CODE
REQUIREMENTS FOR BI-CYCLE PARKING. THE LONG TERM SPACES WILL INCREASE FROM 20 TO 40
AND THE SHORT TERM SPACES WILL INCREASE FROM 75 TO 120.

SHEET INDEX

[illegible]

SUPPLEMENTAL PLANS

COSM-3	ENTRANCE B
COSM-1	CONCEPT SITE/MATERIALS/MANAGEMENT COVER SHEET
COSM-2	CONCEPT SITE/FORMAL MANAGEMENT PLAN
COSM-3	CONCEPT SITE/HARDWARE MANAGEMENT INVENTORY STUDY
COSM-4	CONCEPT SITE/OPERATIONAL MANAGEMENT DETAILS
CSC-1	CONCEPT SEDIMENT & EROSION CONTROL PLAN - EXISTING CONDITIONS
CSC-2	CONCEPT SEDIMENT & EROSION CONTROL PLAN- PROPOSED CONDITIONS
PMS-1	DRY UTILITY MARKING PLAN
PMS-2	PAVEMENT IMPROVEMENT AND SIGNAGE PLAN
FAP-1	FIRE ACCESS PLAN
LSP-1	STREET TREE LOT FRONTAGE ANALYSIS
TURM-1	AUTOTURN LANE 30-30
TURM-2	AUTOTURN LANE 30-30
TURM-3	AUTOTURN LANE 30-30
TURM-4	AUTOTURN LANE 30-30
TURM-5	AUTOTURN GARAGE
TURM-6	AUTOTURN GARAGE
TURM-7	AUTOTURN GARAGE
TURM-8	AUTOTURN GARAGE



VJKA MARYLAND, LLC
20251 Century Blvd., Suite
Germanstown MD 20874
001 916.4100 | vjka.com

Our Site Set on the Future

PREPARED FOR
MICHAEL HARRIS
PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD, 20852
301 978 3630
CONTACT BEN BULLOCH
E-MAIL
BBULLOCH@STREETSCAPEPARTNERS

ATTORNEY
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.517.4804
CONTACT ERIN GIRARD
E-MAIL
EGIRARD@MILESTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

[illegible]

TOWER
PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATUM NAD 83/91, NGV

PROJECT PLAN AMENDMENT COVER SHEET



HEREBY ADVISE THAT THESE DOCUMENTS
WERE FORWARDED APPROVED BY ME AND THAT
A DUES LIST NEED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MASS.
I AM NOT SURE WHERE IN COMMONWEALTH
I LIVE
F729
BARNSTABLE MA 01915 2026

DESIGNED BY _____
DATE ISSUED: MAY 2023
VKA PROJECT VM50567
DRAWING RD 10

NO. PP-1.0
SHEET NO.



Community Planning & Development Services
Received
August 16, 2023

LA 2017, 19-111, Passed by voice

WOOTTON PARKWAY

SEE MATCH LINE THIS SHEET



VICINITY MAP
SCALE 1" = 2000'



VIKA MARYLAND, LLC
20251 Century Blvd., Suite 100
Germantown MD 20874
301.916.4100 | vika.com
Our Site Set on the Future

PREPARED FOR
**MICHAEL HARRIS
PROPERTIES, LLC**
6345 EXECUTIVE BLVD
ROCKVILLE, MD. 20857
301 978 3630
CONTACT BEN BILLOCH

ATTORNEY
MILES & STOCKBRIDGE
11 N WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20850
301.537.4824
CONTACT: ERIN GIRARD
F MAIL

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

[illegible]

TOWER
PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATA: MAR 83/91, NGVD

PROJECT SITE PLAN
CONCEPT
LANDSCAPE PLAN

PROFESSIONAL SEAL

[illegible]

THE PROGRESSIVE, BROAD-BASED, AND
INCLUSIVE POLICY APPROACHES OF THE
WORLD BANK AND THE INTERNATIONAL
MONETARY FUND ARE BEING CHALLENGED
BY THE BRICS COUNTRIES. THESE COUNTRIES
ARE ARGUING THAT THE WORLD BANK AND
IMF ARE BIASLY AND DO NOT TAKE INTO
ACCOUNT THE NEEDS OF THE DEVELOPING
COUNTRIES. THEY ARE CALLING FOR A
NEW INTERNATIONAL FINANCIAL ARCHITECTURE
THAT IS MORE INCLUSIVE AND
ACCOUNTABLE TO THE DEVELOPING
COUNTRIES.

DRAWN BY: XR
DESIGNED BY: RRT
DATE ISSUED: MAY 2023

YCA
PROJECT VM50567

1-3.0

 FOR INFORMATION OF THE PUBLIC:
8.1.1 or 1-800-255-5555 OR LOG ON TO
www.eatright.com or eatright.org
IF YOU ARE A VENDOR OF ANY
WORK IN THIS FACILITY

Community Planning & Development Services
Received
August 16, 2023

LEWIS, C. D. 1953. *Pharmacology*, 100.



SEE MATCH LINE
THIS SHEET

SEE MATCH LINE THIS SHEET



LEGEND

- PARCEL BOUNDARY
- OPEN AREA
- PUBLIC USE SPACE

Open Space	Minimum Required	Proposed
Open Area (Public Use Space)	20% 13,842 SF	20.5% 15,000 SF
Public Use Space	5% 3,461 SF	8.2% 18,600 SF

NOTES:

1. LOCATIONS AND MEASUREMENTS OF AREAS SHOWN ARE APPROXIMATE. FINAL LOCATIONS AND MEASUREMENTS OF OPEN AREA AND PUBLIC USE SPACE WILL BE DETERMINED AT THE TIME OF SITE PLAN APPROVAL AND MAY BE REDUCED TO THE MINIMUM REQUIRED.

VIKA
VIKA MARYLAND, LLC
20251 Century Blvd., Suite 401
Germantown, MD 20874
301-915-4100 | vika.com
Our Site Set on the Future

PREPARED FOR:
MICHAEL HARRIS PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20850
CONTACT: BEN BIRLOCH
E-MAIL: BBIRLOCH@MILESTOCKBRIDGE.COM

ATTORNEY:
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20850
CONTACT: ERIC GRABER
E-MAIL: EGRABER@MILESTOCKBRIDGE.COM

ENGINEER / PLANNER / LANDSCAPE ARCHITECT:
VIKA MARYLAND, LLC
2225 CENTURY BOULEVARD
SUITE 200
GERMANTOWN, MD 20874
301-915-4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATUM: NAD 83/91, NGVD 1

**PROJECT PLAN
AMENDMENT
OPEN AREA AND
PUBLIC USE SPACE**

PROFESSIONAL SEAL

Signature: [Signature]
Date: [Date]

DESIGNED BY: [Name]
DATE ISSUED: [Date]

VIKA
PROJECT: VM50567
DATE: 7/1/23
SHEET: L-3.2

FOR INFORMATION OF THE PUBLIC:
8:30 AM to 4:00 PM on 7/1/23 or 7/18/23
at the following location:
47 HOURS IN ADVANCE OF ANY
WORKING HOURS

Community Planning & Development Services
Received
August 16, 2023

SCALE: 1"=30'



Vika Maryland, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874
301.916.4100 | vika.com

Our Site Set on the Future

PREPARED FOR:
MICHAEL HARRIS
PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20852
301.979.3520
CONTACT: BEN BULLOCK
E-MAIL: BBULLOCK@STREETSCAPEARTISTS.COM

ATTORNEY:
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.517.4806
CONTACT: ERIN GRIARD
E-MAIL: EGRIARD@MILESSTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT:
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
VSSC CRD: 2137N06
TAX MAP: 0023
DATUM: NAD 83/01, NGVD 88

OPEN SPACE CONCEPT



DESIGNED BY: JCTG
DESIGNED BY: RTES
DATE ISSUED: MAR 2023

VIA PROJECT: VM50567
DRAWING NO: L-3.3

NOTE: THIS PLAN IS NOT TO SCALE AND FOR ILLUSTRATIVE PURPOSES ONLY





See Sheet 5 of 8
for planting plan
in this area

WOOTTON PARKWAY

Reforestation Area "A"
26,840 sq.ft.
(0.62 Ac.)
See Sheet 5 of 8 for
additional specifications

Forest Save Area "A"
407,000 sq.ft.
(9.22 Ac.)

LOD

Forest Clear Area "A"
417,000 sq.ft.
(9.57 Ac.)

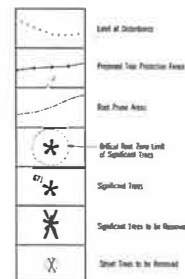
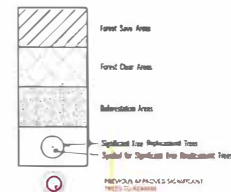
TOWER OAKS BOULEVARD

Forest Save Area "B"
8,236 sq.ft.
(0.19 Ac.)

Forest Clear Area "B"
10,900 sq.ft.
(0.25 Ac.)

Reforestation Area "B"
1,909 sq.ft.
(0.04 Ac.)
5 times to be planted -
SEE LANDSCAPE PLAN
SHEETS 6-8

LEGEND



SEE SHEET FFCPA-3.0 FOR
THE UPDATED PLAN

EXISTING & PROPOSED SPECIES PROTOCOL

All plants listed as native and invasive by the Maryland Department of Natural Resources Natural Heritage Database shall be removed from the forest conservation easement areas including within the existing forest and reforestation areas prior to planting. The native and invasive plants shall be identified during the on-site survey and mapped. The replanting shall be done by a Maryland licensed arborist. The replanting is responsible for obtaining the proper permits from M.D.C.

The invasive species assessment plan is at the discretion of the contractor. However, contractor must conduct invasive species on a regular basis, and be able to respond to City requests for immediate control measures as needed. Contractor may conduct invasive species within the LOD in order to ensure compliance of invasive species control within the project site.

Soil Sampling Note

Because of material volume for soil sampling, no test less than 100 lbs. will be established. Only small amounts of soil sample on a short term basis will be allowed around the volume of the disturbed site area.

10,124 sq. ft.
per Plat #23507

Total Forest Conservation
10,124 sq. ft.
0.23 Ac.

VIKA

VIKA Maryland, LLC
2125 Century Blvd., Suite 450
Crown Heights, MD 21031
301.798.4000
www.vikamaryland.com

PREPARED FOR
MICHAEL HARRIS
PROPERTIES AT
TOWER OAKS
4345 FREDERICK BLVD
ROCKVILLE, MD 20854
202.778.3600
CONTACT: M. HARRIS
@ MARI

ATTORNEY:
WILLIS T. STOCKBRIDGE
1114 WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20854
CONTACT: LINDA GRABER
@ MARI

(SINGLE) PLANS 6 /
LANDSCAPE ARCHITECTS
VIKA MARYLAND, LLC
2000 TOWER OAKS BOULEVARD
SUITE 400
ROCKVILLE, MD 20854
202.778.4000
CONTACT: MICHAEL G. GILMAN
michael.gilman@vikamaryland.com

UPDATED PLANS PREPARED BY VIKA MARYLAND, LLC
AUG. 2023

SIGNIFICANT TREE REPLACEMENT TREES

Trees indicated on the legend as significant tree replacement trees are indicated on this drawing for informational purposes only. See the Landscaping Plan prepared by Oculus for complete landscape plan design data. The replacement trees indicated on this Forest Conservation Plan are indicated by the Oculus Landscaping Plan.



Reviewed FFCPA
City of Rockville
FFCPA # 2023-006
Comm. # 2023-006
City Council
Jesse Gray, Mayor
Jesse Gray, Mayor

NOTE: SHEETS 6, 7 & 8 ARE LANDSCAPE PLANS PREPARED BY OCULUS

SITE SOLUTIONS, INC.
DESIGN OBSERVATION DRIVE, SUITE 200
ROCKVILLE, MARYLAND 20854-1000
(301) 846-3900 Fax (301) 846-3901
www.sitesolutionsinc.com

Landscape Planning & Development Services
August 16, 2023

Working to be a part of your vision
Landscape Architecture
August 16, 2023

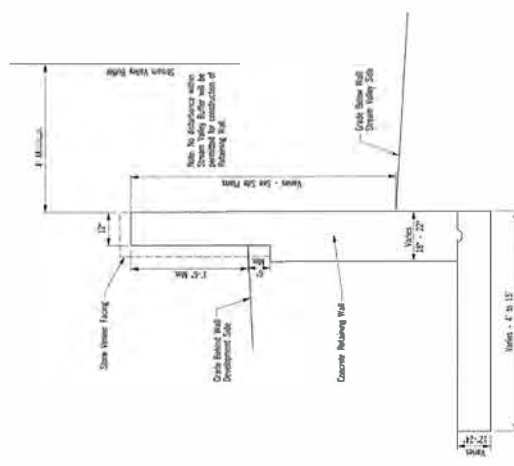


1	Noted on the plan is the location of the LOD.	10/10
2	Noted on the plan is the location of the LOD.	10/10
3	Noted on the plan is the location of the LOD.	10/10
4	Noted on the plan is the location of the LOD.	10/10
5	Noted on the plan is the location of the LOD.	10/10

APPLICANT:
2000 Tower Oaks Boulevard, LLC
11501 Wolf Street
North Bethesda, Maryland 20895
301.584.7900
Attn: Jeffrey Abramson

FOREST CONSERVATION PLAN - FULL PROPERTY
TOWER OAKS II HOTEL JOINT VENTURE SITE
ROCKVILLE HOTEL DISTRICT
CITY OF ROCKVILLE
MONTGOMERY COUNTY, MARYLAND

Scale: 1"=50'
1 of 8
DATE: 11/16/23
SHEET: FFCPA-1.0



TYPICAL SECTION THRU RETAINING WALL AT STREAM VALLEY BUFFER
N.T.S.

NOTE: SEE RETAINING WALL CONSTRUCTION PLANS PREPARED BY S&B, STRUCTURAL ENGINEERS FOR CONSTRUCTION DETAILS OF RETAINING WALLS. THIS PLAN NOT TO BE USED FOR RETAINING WALL CONSTRUCTION.



REFORESTATION PLANTING AREA "A"

[illegible]

A. not known A. neg. 25

ART. 36, *Revolution Act* P. 110 n. 1 has passed. In *Lebanon Pto. Inst.* 14 to the institution.

Forest Planting Area. To be planted with live stock of minimum 2" caliper. Planting rate is 100 trees per acre. Planting area is 0.64 acres requiring 64 total trees. Planting Areas "A" & "B" combined. Details are not prepared. All species are native.

SSI SITE SOLUTIONS, INC.
20010 Greenfield Drive Suite 202
Sarasota, Florida 34237-4222
(813) 545-2900 Fax (813) 545-2901
Planning Engineering Landmark Construction

Community Planning & Development Institute
March 2011

APPLICANT:
2000 Tower Oaks Boulevard, LLC
11521 Hull Court
North Bethesda Maryland 20852

FOREST CONSERVATION DETAILS • FOREST PLANTING AREA
TOWER OAKS II HOTEL JOINT VENTURE SITE
ROCKWELL (476) THROCKMOR

DATE	TIME	AS NOTED
5/18	5:08	

Revised FCP	Approved FCP
City of Rockville	City of Rockville
FPO # 2001-0000 S	FPO # 2001-0000 S
Circular add'l sheet	Slip # Cmy 7.11.06
Taxes returned	Additional Expenses
<u>\$1,900.00</u>	<u>\$1,900.00</u>
Signature	Signature

VIKA
VIKA REALTY, LLC
 10000 W. 10th Ave.
 Suite 1000
 Denver, CO 80202
 Tel: 303.439.9100 ext. 200
 Fax: 303.439.9100
 Email: info@vika.com

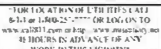
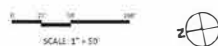
ACQUA! REALTORS
PROPERTIES AT
TOWER DAKS
 10000 W. 10th Ave.
 Suite 1000
 Denver, CO 80202
 Tel: 303.439.9100 ext. 200
 Fax: 303.439.9100
 Email: info@vika.com

MILES & STOCKBRIDGE
REALTY, LLC
 10000 W. 10th Ave.
 Suite 1000
 Denver, CO 80202
 Tel: 303.439.9100 ext. 200
 Fax: 303.439.9100
 Email: info@vika.com

VIKA REALTORS, LLC
PROPERTIES AT
TOWER DAKS
 10000 W. 10th Ave.
 Suite 1000
 Denver, CO 80202
 Tel: 303.439.9100 ext. 200
 Fax: 303.439.9100
 Email: info@vika.com



APPLIED POLYMER SYMPOSIA NO. 110
MAP 1978



LANGU: 00294-20, Printed 8/4/00



100

PROP. LIMITS OF DISTURBANCE

EXISTING SIGNIFICANT TREE 12" DBH OR
GREATER WITH CODE SHOWN

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

OVERALL & EXISTING
TREE REMOVAL



PROJECT VM50567
DRAWING
SHEET NO. FFCPA-3.0



Vika Maryland, LLC
20251 Century Blvd., Suite 4
Germantown, MD 20854
301.874.4500 vika.com
Our Site Set on the Future

PREPARED FOR
MICHAEL HARRIS
PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20852
301.878.3100
CONTACT: BEN BUECH
E-MAIL: BENBUECH@MICHAELHARRISPROPERTIES.COM

ATTORNEY:
MILES & STOCKBRIDGE
1114 WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.517.4000
CONTACT: ERIN GRAD
E-MAIL: EGRAD@MILESTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20854
301.796.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTORAL DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: G033
DATUM: NAD 83/91, NGVD

CLEAN FINAL FOREST CONSERVATION PLAN AMENDMENT - 30 SCALE

PROJECT NO. 2024-08-01



DATE OF ISSUE: 07/11/2023
THIS PLAN IS A PART OF THE PROJECT'S FINAL PLAN SET. THE PROJECT'S FINAL PLAN SET IS THE ONLY SET OF PLANS THAT SHOULD BE USED FOR CONSTRUCTION. ANY CHANGES TO THE PROJECT'S FINAL PLAN SET MUST BE APPROVED BY THE PROJECT'S ARCHITECT. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES. ANY VIOLATION OF THIS PLAN MAY RESULT IN PENALTY. THE PROJECT'S ARCHITECT IS NOT RESPONSIBLE FOR ANY VIOLATION OF THIS PLAN.

DRAWN BY: JMS
DESIGNED BY: JMS
DATE ISSUED: JULY 2023
CHECKED BY: VM50567
REVIEWED BY: JMS
NO

SHEET NO. FCCPA-3.1



SEE MATCH LINE
THIS SHEET

CONCEPT PLANT SCHEDULE

- STREET TREES**
72
CURKRAFT KENTUCKY / AMERICAN YELLOWWOOD
FAGUS GRANDIFOLIA / AMERICAN BEECH
DYNACLODUS DIOICA / NEW JERSEY COFFEE TREE
HOLCULMUS STYBACULUS / SWEET GUM
NYSSA SYLVATICA / SOUR GUM
PLATANUS X ACERIFOLIA / LONDON PLANE TREE
QUERCUS BICOLOR / SWAMP WHITE OAK
QUERCUS MUEHLBERGERI / CHICKAPOO OAK
QUERCUS PHAELOS / YELLOW OAK
QUERCUS RUBRA / RED OAK
TAXODIUM DISTICHUM / BALD CYPRESS
VAPARUS AMERICANA / AMERICAN DUM
ZELKOVA SERATA / SAVILEM ZELKOVA
- CANOPY TREE**
16
FAGUS GRANDIFOLIA / AMERICAN BEECH
PLATANUS OCCIDENTALIS / AMERICAN SWEETSHORE
QUERCUS FALCATA / SOUTHERN RED OAK
QUERCUS PHAELOS / YELLOW OAK
QUERCUS RUBRA / RED OAK
- EVERGREEN TREE**
19
ILEX OPACA / AMERICAN HOLLY
TAXODIUM DISTICHUM / BALD CYPRESS
MAGNOLIA GRANDIFLORA LITTLE LEAF / DWARF SOUTHERN MAGNOLIA
- ORNAMENTAL TREE**
70
AMELANCHIER ALBOREA / AUTUMN BRILLIANCE / DOWNY SERVICEBERRY
BETULA NIGRA PURPUREA / PURPLE LEAF BIRCH
CERCIS CANADENSIS / EASTERN REDBUD MULTI-TRUNK
CORNUS FLORIDA / EASTERN DOGWOOD
COTYDORUS OBOVATUS / AMERICAN SAGEOAK TREE
LACINIA STRIOLOSA X HATCHER / WHITE CRANE MYRTLE MULTI-TRUNK
OXYDENDRUM ALBOREA / SOUTHWOOD TREE
- LOT TREE**
51
AMELANCHIER ALBOREA / AUTUMN BRILLIANCE / DOWNY SERVICEBERRY
BETULA NIGRA PURPUREA / PURPLE LEAF BIRCH
CORNUS FLORIDA / EASTERN DOGWOOD
LACINIA STRIOLOSA X HATCHER / WHITE CRANE MYRTLE MULTI-TRUNK
- EXTENSIVE SHRUBS**
10
ILEX GLABRA COMPACTA / COMPACT HOLLY
ILEX X MESSEYAE 'BLAKE PRINCE' / BLAKE PRINCE HOLLY
PRUNUS LAXIFLORA 'SANDWICH' / SANDWICH PRUNUS

LEGEND

- LIMITS OF SUBJECT PROPERTY**
ADJACENT PROPERTY LINES
TRACT AREA BOUNDARY
PROP. TREE CANOPY FOOT (NOT FOREST)
TREE WITH NO CREDIT
SOIL TYPE
TOLERANCE 25% AND GREATER
EX. ELECTRICAL CONDUIT
EX. FENCE LINE
EX. OVERHEAD WIRES
EX. TELEPHONE/COAXIAL CONDUIT
EX. PUBLIC UTILITY EASEMENTS
EX. SANITARY SEWER
EX. STORM DRAIN
EX. WATER LINE
EX. EDGE OR PAVEMENT
EX. CURB AND GUTTER
PROP. EDGE OF PAVEMENT
PROP. CURB AND GUTTER
PROP. LIMITS OF DISTURBANCE
FOREST CONSERVATION AREA
(7,642 SQ. FEET REMAINING (2,452 SQ. FEET)
SHALL BE PROTECTED BY TREES
(400 SQ. FEET ALONG PUBLIC STREET "A" TOTAL FOREST CONSERVATION EASEMENT (10,124 SQ. FEET)
EXISTING SIGNIFICANT TREE
12" DBH OR GREATER WITH CANOPY
EXISTING SPECIMEN TREE
20" DBH OR GREATER DBH WITH CANOPY
EXISTING SPECIMEN TREE
WHICH A TREE VARIANCE REQUEST TO IMPACT OR REMOVE THE TREE HAS BEEN SUBMITTED
EX. TELEPHONE MANHOLE
EX. GAS
EX. ELEC. MANHOLE
EX. STORM MANHOLE
EX. SEWER MANHOLE
EX. WATER VALVE
EX. FIRE HYDRANT
EX. STREET LIGHT
TREE TO BE REMOVED
SIGNIFICANT REPLACEMENT TREE CREDIT
SMALLER REPLACEMENT CREDIT
LOT TREE CREDIT
LOT TREE REPLACEMENT CREDIT
PROP. TREE REPLACEMENT CREDIT
PROP. STREET LIGHT
PROP. STREET LIGHT
PROP. STREET LIGHT
PROP. STREET LIGHT

Road Fill

WOOTTON PARKWAY

SEE MATCH LINE THIS SHEET

Community Planning & Development Services
Reviewed
August 14, 2023

DATE: 07/11/2023, DRAWN BY: JMS

SCALE: 1" = 30'

CONCEPT PLANT SCHEDULE

SHOWN FOR GRAPHICAL PURPOSES ONLY.
REFER TO RELEVANT FINAL SITE PLANS AND /OR
APPROVED RIGHT-OF-WAY PLANS FOR DETAIL ON
TREE SPECIES, SPACING, AND QUANTITY.

CLADRASTIS KENTUCKEA / AMERICAN YELLOWWOOD
FAGUS GRANDIFOLIA / AMERICAN BEECH
GYMNOCLOADUS DIOICA / KENTUCKY COFFEETREE
LIQUIDAMBAR STYRACIFLUA / SWEET GUM
NYSSA SYLVIATICA / SOUR GUM
PLATANUS X ACERIFOLIA / LONDON PLANE TREE
QUERCUS BICOLOR / SWAMP WHITE OAK
QUERCUS MUEhlenbergii / CHINKAPIN OAK
QUERCUS PHELLOS / WILLOW OAK
QUERCUS RUBRA / RED OAK
TAXODIUM DISTICHUM / BALD CYPRESS
ULMUS AMERICANA / AMERICAN ELM
ZEKLOVA SERRATA / SAWLEAF ZEKLOVA

FAGUS GRANDIFOLIA / AMERICAN BEECH
PLATANUS OCCIDENTALIS / AMERICAN SYCAMORE
QUERCUS FALCATA / SOUTHERN RED OAK
QUERCUS PHELLOS / WILLOW OAK
QUERCUS RUBRA / RED OAK

ILEX OPACA / AMERICAN HOLLY
JUNIPERUS VIRGINIANA / EASTERN RED CEDAR
MAGNOLIA GRANDIFLORA 'LITTLE GEM' / DWARF SOUTHERN MAGNOLIA

AMELANCHIER ARBOREA / AUTUMN BRILLIANCE / DOWNY SERVICEBERRY
BETULA NIGRA 'DURAHEAT' / DURAHEAT RIVER BIRCH
CERCIS CANADENSIS / EASTERN REDBUD MULTI-TRUNK
CORNUS FLORIDA / EASTERN DOGWOOD
COTINUS OBOVATUS / AMERICAN SMOKE TREE
LAGERSTROEMIA X 'NATCHEZ' / WHITE CRAPE MYRTLE MULTI-TRUNK
XYLODENDRON ARBOREUM / SOURWOOD TREE

AMELANCHIER ARBOREA 'AUTUMN BRILLIANCE' / DOWNY SERVICEBERRY
CERCIS CANADENSIS / EASTERN REDBUD MULTI-TRUNK
CORNUS FLORIDA / EASTERN DOGWOOD
LAGERSTROEMIA INDICA X FAURIEI 'TONGO' / TONGO CRAPE MYRTLE

ILEX GLABRA 'COMPACTA' / COMPACT INKBERRY
ILEX X MESERVEAE 'BLUE PRINCE' / BLUE PRINCE HOLLY
PRUNUS LAUROCERASUS 'SCHIPKAENSIS' / SCHIPKA ENGLISH LAUREL



A hand-drawn map of the site area, showing roads like Highway 77B, Highway 100, and Highway 101. The map includes labels for 'SITE', 'PARKLAND', 'WIDE OPEN', 'ROAD', 'HIGHWAY', and 'CITY'. A scale bar at the bottom indicates 1 mile.

CSWM	1 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT CONCEPT COVER SHEET
CSWM	2 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT CONCEPT PLAN
CSWM	3 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT INVERT STUDY
CSWM	4 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT DETAILS

SWM CONCEPT SUMMARY TABLE
General Property Information

SWMC# 2023-00004	
Type of Concept: <i>Free Application SWMC Concept</i>	
Development Review Program/Case No. <i>PL 2023-00015</i>	
Property Address: <i>2382 Van Oost Boulevard</i>	
Property Legal Description: <i>Parcel C-8 of E-1 of E-1</i>	
Property Size: <i>185.46 ac ft.</i> & <i>10 acres 265.748 square feet</i>	
Total Concept Acres: <i>(ac ft.) 6.10 acres 265.748 square feet</i>	
Zoning: <i>IND 100 (Industrial)</i>	
Watershed: <i>Cabin Creek</i>	
100 YR Floodplain: <i>N/A</i>	
(X) Is Impervious/ReDevelopment or New Development? <i>Yes</i> New Development	
SWM Summary	
Total On Site Impervious Area subject to SWMA: <i>4.54 acres (138,072 sq. ft.)</i>	
Required P/Proposed P: <i>2.18 inches/0.84 inches</i> (Per NADSI)	
Treated P/Unprovided ESD: <i>77.01 cu ft / 10.849 cu ft</i>	
ESD Measures: <i>10 Mmp Bio-retention Facilities</i>	
Structural Storage Required: <i>17,062 cu ft / 17,062 cu ft</i>	
Structural Measures: <i>Existing Pond</i>	
100 YR 15 Day Peak by Control Measures: <i>Existing Pond</i>	
Contributions Right of Way Impervious Area subject to SWMA: <i>0.77 acres</i>	
Contributions Right of Way Ewp Cap (Channel Protection Volume) & Ww (Waters Quality Volume) Measures: <i>Existing Pond - Majority Contribution</i>	
Contributions Right of Way Q10 15 Day Quantity Control Measures: <i>Existing Pond - Majority Contribution</i>	

SWR ESD FACILITIES SUMMARY TABLE									
Micro Bio-sieve and Fine Chaffity	Total DA (Ac)	Total Impervious (Ac)	Percent Impervious	Plant Area (Ac)	Planting Depth (in)	ESdV Provided (in)	Pc Provided	ESD Max	Grass Species
MBF-1	0.07	0.08	85%	954	48	485	2.435	0.175	Stachys
MBF-2	0.09	0.07	78%	213	36	563	2.231	0.87	Stachys
MBF-3	0.12	0.09	75%	265	42	669	2.227	1.09	Stachys
MBF-4	0.3	0.14	77%	188	48	178	1.78	1.43	Stachys
MBF-5	0.15	0.15	100%	268	42	589	1.96	1.35	Stachys
MBF-6	0.15	0.18	100%	267	42	1765	2.06	1.43	Stachys
MBF-7	0.14	0.14	100%	421	48	1,519	2.201	1.20	Stachys
MBF-8	0.14	0.14	100%	261	48	983	2.07	1.20	Stachys
MBF-9	0.24	0.24	100%	268	48	2,464	2.08	1.20	Stachys
MBF-10	0.23	0.15	50%	121	48	2,955	2.59	0.95	Stachys

1. ALL SHOW DRAM PIPS PROPOSED ARE EITHER REINFORCED CONCRETE PIPE (RCPI), HIGH PERFORMANCE POLYPROPYLENE (HP) OR HDPE POLYESTER (HPE)
2. \$5000 DRAIN PIPE SIZES SHOWN ARE ESTIMATED AND ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING DESIGN
3. QUANTITY AND LOCATION OF ENVIRONMENTALLY SENSITIVE DESIGN (ESD) MEASURES ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING DESIGN
4. ALL WATER AND SEWER LINES SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE UPON FINAL ENGINEERING DESIGN
5. ALL UTILITY LOCATIONS WITHIN THIS PROJECT PLAN ARE SUBJECT TO ADJUSTMENT IN LOCATION, SIZE AND CONFIGURATION DURING FINAL ENGINEERING TO ACCOMMODATE LOCATIONS OF TREES, DIRT UTILITIES, STREET LIGHTS AND OTHER CONDUITING FEATURES. LAYOUTS SHOWN HEREIN ARE CONCEPTUAL AND NOT INTENDED TO REFLECT FINAL LOCATION OF THESE UTILITIES.
6. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY SHALL HAVE A VERTICAL DROP MEASURED FROM THE TOP OF CURB TO THE TOP OF THE FILTER MEDIA ELEVATION) OF LESS THAN 2-FOOT/INCHES AND MUST PROVIDE AN 18-INCHES SAFETY FENCE/FINAL
7. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO CURBS SHALL BE INSTALLED WITH 16-INCHES CLEARANCE FROM CURB FACE TO PLANTER BOX FACE
8. ESD PLANTER BOX FACILITIES SHALL FOLLOW THE BUILDING CODE FOR SAFETY FENCE REQUIREMENTS. A 42-INCHES FENCE SHALL BE PROVIDED FOR VERTICAL DROP MEASURED FROM THE TOP OF ORB TO THE TOP OF THE FILTER MEDIA ELEVATION) OF MORE THAN 30-INCHES
9. ESD PLANTER BOXES SHALL BE OUTSIDE OF THE BUILDING FOUNDATION TOE OR INFLUENCE. THE BUILDING FOUNDATION DESIGN SHALL TAKE INTO CONSIDERATION LOADS ASSOCIATED WITH THE ESD PLANTER BOX.

REVIEWING AGENCY CONTACT "MISS UTILITY" WWW.MISSUTILITY.NET OR 1-800-225-7777 OR 410-331-1122 11 EASTMAN AVE FORT LEE, MD 21049		Community Planning & Development Services Received August 14, 2021		THIS PLAN IS FOR STORMWATER MANAGEMENT ONLY	
		OFFICIAL OF THE CITY OF ROCKVILLE CITY OF ROCKVILLE 111 MAIN LAND, ROCKVILLE, MD 20852		PRE APPLICATION CONCEPT STORMWATER MANAGEMENT COVER SHEET	
TOWER PRESERVE 2200 TC WOODS BOULEVARD, ROCKVILLE, MD 20852 SUBDIVISION 001 - PARCELS C.D. LAND P - BLOCK 6 ELECTION DISTRICT NO. 4 CITY OF ROCKVILLE, MARYLAND		SCALE: 1" = 100' SHEET: 1 FILE: CSWM-1		DATE: 8/14/21 BY: [Signature] FOR: [Signature]	

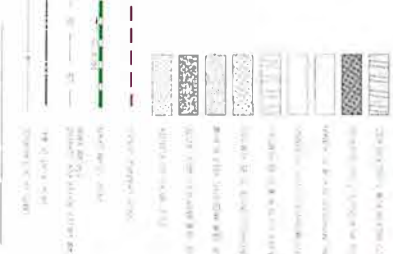
Community Planning & Development Services
Reviewed
August 16, 2021



STORMWATER MANAGEMENT CONCEPT GENERAL NOTES

1. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY SHALL HAVE A VERTICAL RISE MEASURED FROM THE FINISHED GRADE TO THE TOP OF THE PLANTER BOX. THE PLANTER BOX SHALL BE INSTALLED WITH A MINIMUM CLEARANCE FROM CURB TO PLANTER BOX FACE.
2. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO CURB SHALL BE INSTALLED WITH A MINIMUM CLEARANCE FROM CURB TO PLANTER BOX FACE.
3. ESD PLANTER BOX FACILITIES SHALL FOLLOW THE BUILDING CODE FOR SAFETY FENCE REQUIREMENTS. 4'-0" MINIMUM CLEARANCE SHALL BE MAINTAINED FROM THE TOP OF WALK TO THE TOP OF THE PLANTER BOX. ELEVATION OF WALK SHALL BE 20'-0" MINIMUM.
4. ESD PLANTER BOXES SHALL BE OUTSIDE OF THE BUILDING FOOTPRINT. THE PLANTER BOX SHALL BE INSTALLED WITH A MINIMUM CLEARANCE FROM CURB TO PLANTER BOX FACE. THE PLANTER BOX SHALL BE INSTALLED WITH A MINIMUM CLEARANCE FROM CURB TO PLANTER BOX FACE.

LEGEND



HORIZ. DATUM = NAD 83/91
VERT. DATUM = NOV 1929



THIS PLAN IS FOR STORMWATER MANAGEMENT ONLY

	ROCKVILLE	PRE-APPLICATION CONCEPT STORMWATER MANAGEMENT PLAN	TOWER PRESERVE 2201 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852 ELECTION DISTRICT NO. 1	CSWM-2 4



Community Planning & Development Services
 Received
 August 16, 2021



HORZ. DATUM = NAD 83/91
 VERT. DATUM = NGVD 1929

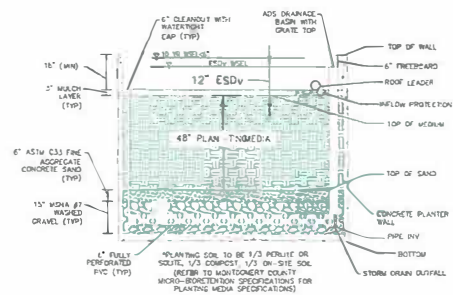
LEGEND

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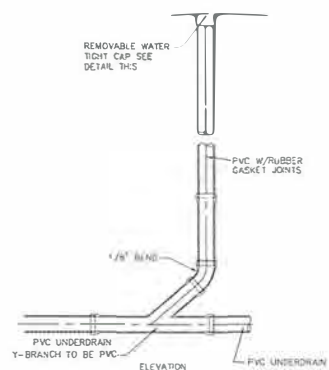
W. W. WOODSON & SONS, INC. ENGINEERS
 CONTACT:
 "MISS UTILITY" NET
 W. W. WOODSON & SONS, INC.
 1 800-557-7777
 OR 410-338-1111
 410-338-1111
 410-338-1111

THIS PLAN IS FOR STORMWATER MANAGEMENT ONLY

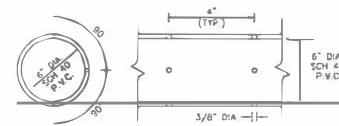
	ROCKVILLE	2200 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852	PRE-APPLICATION CONCEPT STORMWATER MANAGEMENT INVERT STUDY	TOWER PRESERVE	2200 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852 SUBDIVISION 0201 PARCELS C D E AND F - BLOCK D ELECTION DISTRICT NO. 4	SCALE	SHEET	CSWM-3
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MICRO-BIORETENTION PLANTER BOX
TYPICAL SECTION



TYPICAL MICRO-BIOFILTER CLEANOUT DETAIL
NOT TO SCALE

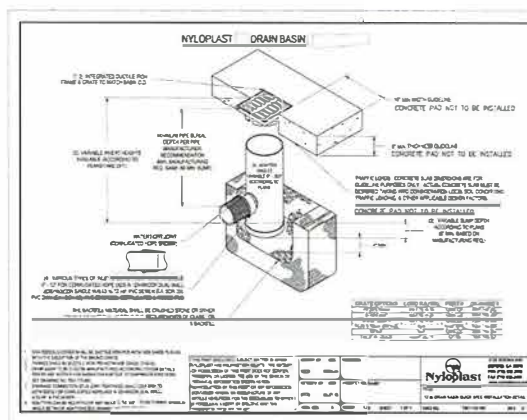


ELEVATION VIEW

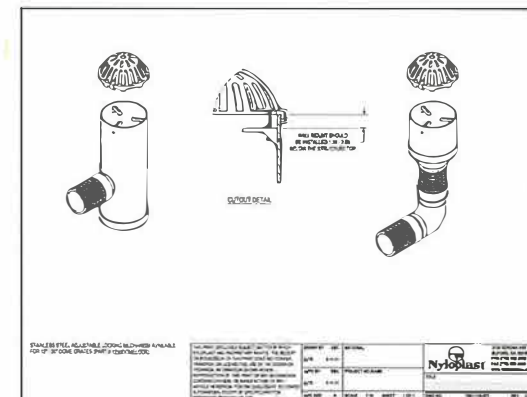
SECTION A-A

NOTE: PERFORATIONS WILL BE 3/8" DIAMETER
AT 4" ON CENTER EVERY 90°

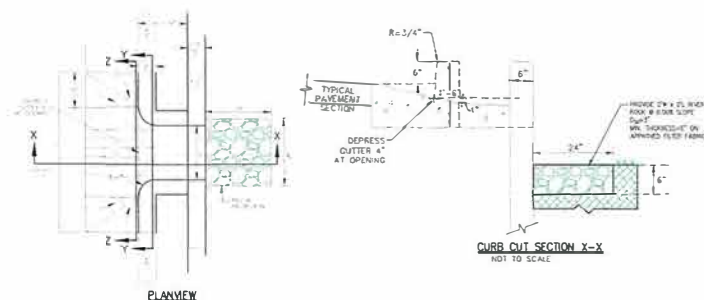
P.V.C PERFORATION DETAIL



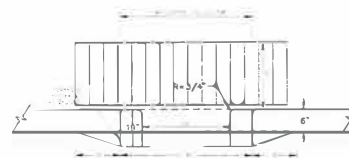
MICRO-BIOFILTER DRAIN BASIN



MICRO-BIOFILTER DRAIN BASIN GRATE ASSEMBLY

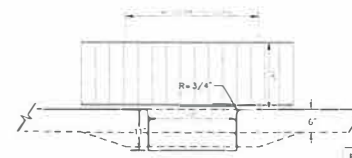


PLANVIEW



CURB CUT SECTION 7-7

NOT TO SCALE



CURB CUT SECTION Y-1

NOT TO SCALE

PROFESSIONAL SEAL



THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS
1009 5TH AVENUE
NEW YORK 10017

CONTACT
"MISS UTILITY"
WWW.MISSUTILITY.NET
OR
1.800.257.7777
OR FAX
AT 415.516.1200
OR FAX
AT 415.516.1200

THIS PLAN IS FOR STORMWATER MANAGEMENT ONLY



ROCKVILLE

PRE APPLICATION
CONCEPT
STORMWATER MANAGEMENT
DETAILS

TOWER PRESERVE
2200 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852
SUBDIVISION C201 - PARCELS C.D.E AND F - BLOCK D
ELECTION DISTRICT NO. 4 CITY OF ROCKVILLE, MARYLAND

110-10000	110-10000	110-10000	110-10000
110-10000	110-10000	110-10000	110-10000



VICINITY MAP
SCALE 1" = 2000'



VIKA MARYLAND, LLC
20251 Century Blvd., Suite 40
Crownsville, MD 21032
202-316-6100 | vika.com
Our Site Set on the Future

PREPARED FOR:
MICHAEL HARRIS
PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20852
CONTACT: BEN BILLOCH
E-MAIL: BENBILLOCH@MHPROPERTIES.COM

ATTORNEY:
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.317.4804
CONTACT: ERIN GIBBARD
E-MAIL: ERINGIBBARD@MILESSTOCKBRIDGE.CO

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT:
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.955.1208
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

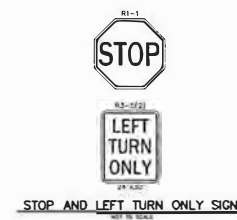
TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND
WSSC GRID: 217W006
TAX MAP: G033
DATUM: NAD 83/91, NAD 83

DRY UTILITY CONCEPT EXHIBIT

PROFESSIONAL SEAL

DESIGNED BY:
DATE ISSUED: JULY 2023
VIA PERMIT: VM50567
DRAWING NO.
SHEET NO. DUE-1

[illegible]



ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

[illegible]

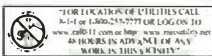
4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATUM: NAD 83/91, NGVD 8

[illegible][illegible]

The Department of Health and Human Services (HHS) announced that it will be reviewing the proposed rule, which would require health care providers to report certain information to the government. The rule is part of a larger effort to improve the security of the health care system and to protect patient information. The rule is expected to be finalized in the near future.

DRAWN BY _____
DESIGNED BY _____
DATE ISSUED MAY. 2023
VICA
PROJECT **VM50567**
DRAWING
T110N.2

SHEET NO. _____



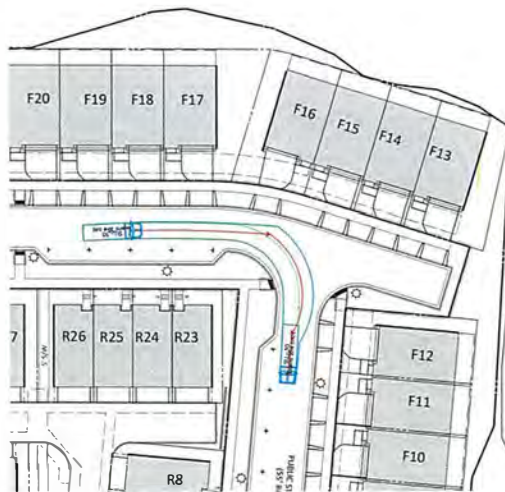
Community Planning & Development Services
Received
August 16, 2023

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August 16, 2023

gkpgf: 01-01-0, Formed by: map



SU-30 LEFT TURN ONTO STREET B (PUBLIC)



SU-30 RIGHT TURN ONTO STREET C (PUBLIC)



SU-30 LEFT TURN ONTO ALLEY B (PRIVATE)



SU-30 RIGHT TURN ONTO ALLEY C (PRIVATE)



VIKA MARYLAND, LLC
20251 Century Blvd., Suite 400
Crownsville, MD 21032
301.516.4100 | vika.com
Our Site Set on the Future

PREPARED FOR:
MICHAEL HARRIS
PROPERTIES, LLC
6315 EXECUTIVE BLVD.
ROCKVILLE, MD 20852
CONTACT: BEN BULLOCK
E-MAIL: BBULLOCK@HARRISSTOCKBRIDGE.COM

AUTOTURN:
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20850
301.517.4804
CONTACT: ERIN GIGARD
E-MAIL: EGIGARD@MILESSTOCKBRIDGE.COM

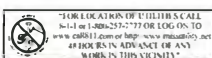
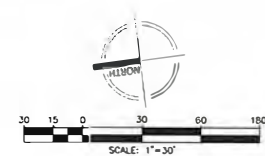
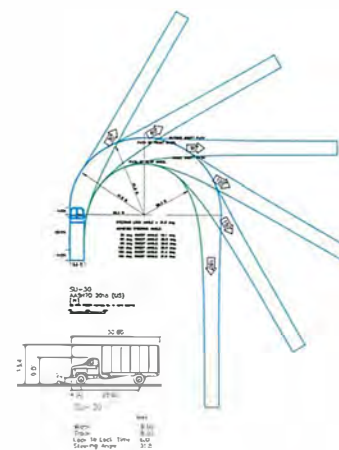
ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.516.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GG33
DATUM: NAD 83/S 1, NGVD 86

AUTOTURN SU-30

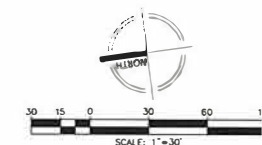
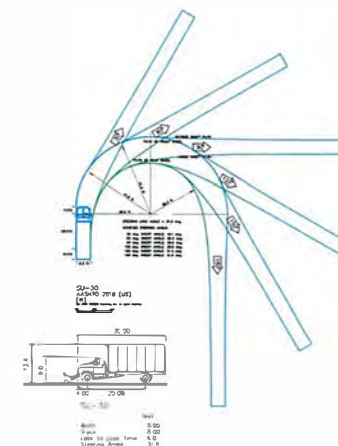
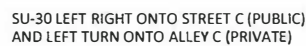
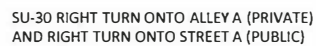


Community Planning & Development Services
Received
August 16, 2023



SEAL OF THE STATE OF MARYLAND
PROFESSIONAL ENGINEER
MICHAEL GOODMAN
No. 2770
Exp. 12/31/2024

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: MAY 2023
VICA PROJECT: VMS0567
DRAWING NO.: TURN-3
SHEET NO.



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Germantown MD 20874
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**MICHAEL HARRIS
PROPERTIES, LLC**
6345 EXECUTIVE BLVD
ROCKVILLE, MD. 20852
301.978.3630
CONTACT: BEN BURLOCH
E-MAIL:
BURLOCH@STREETSCAPEPARTNERS.COM

ATTORNEY
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.517.4804
CONTACT: ERIN GARARD
E-MAIL:
EGARARD@MILESTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

[illegible]

TOWER
PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATUM: NAD 83/91, NGVD 83

AUTOTURN
SU-30



WE HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME AND THAT I AM
A QUALIFIED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MASSACHUSETTS
ENGINEER'S NAME: MICHAEL B. GOODMAN, D.E.
LICENSE NO. 2177
EXPIRATION DATE: APR 15 2020

[illegible]

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: MAY 2013

YMA
PROJECT VM50567

DRAWING NO. TURN-4

SHEET NO. _____

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PREPARED FOR:
MICHAEL HARRIS PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20850
CONTACT: BEN BULLOCH
E-MAIL: BBULLOCH@HARRISPROPERTIES.COM

ATTORNEY:
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20850
CONTACT: ERIN GILARD
E-MAIL: EGILARD@MILESSTOCKBRIDGE.COM

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LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.516.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217HW06
TAX MAP: G033
DATUM: NAD 83/91, NGVD 86

AUTOTURN GARBAGE

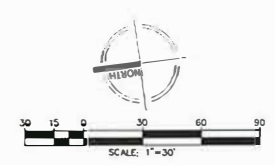
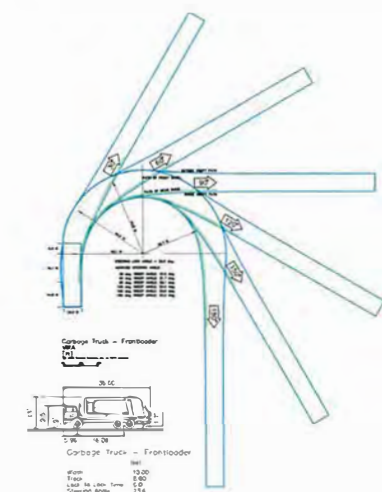
PROFESSIONAL SEAL

STATE OF MARYLAND
MICHAEL GOODMAN
No. 7778
PROFESSIONAL ENGINEER

DESIGNED BY: _____
DATE ISSUED: MAY 2023

VIKA PROJECT: VM50567
DRAWING NO: TURN-5

SHEET NO



TOWER OAKS BOULEVARD

FOR LOCATION OF UTILITIES SCALE
1/4"=1' or 1/8"=1' or 1/16"=1' or 1/32"=1'
www.civil1.com or http://www.montgomery.com
48 HOURS IN ADVANCE OF ANY
WORK IN THIS VICINITY

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Received
August 16, 2023



PREPARED FOR:
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6345 EXECUTIVE BLVD
ROCKVILLE, MD, 20852
301.978.3630
CONTACT: BEN BULLOCH
E-MAIL:
BULLOCH@STREETSCAPEPARTNERS.COM

ATTORNEY
MILES & STOCKBRIDGE
11 N. WASHINGTON STREET
SUITE 200
ROCKVILLE, MD 20850
301.517.4804
CONTACT: ERIN GIRARD
E-MAIL:
EGIRARD@MILESSTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 600
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

[illegible]

TOWER
PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: GQ33
DATUM: NAD 83/91, NGVD

AUTOTURN
GARBAGE

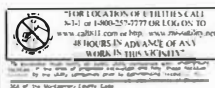
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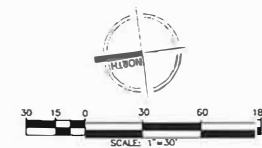
and the development of a new strategy for the management of the company and its properties. The company has a long history of success in the real estate market and has a strong reputation for its quality of service and its commitment to its clients. The company has a strong financial position and a solid track record of growth. The company has a strong management team and a strong network of contacts. The company has a strong brand and a strong reputation for its quality of service and its commitment to its clients. The company has a strong financial position and a solid track record of growth. The company has a strong management team and a strong network of contacts. The company has a strong brand and a strong reputation for its quality of service and its commitment to its clients.

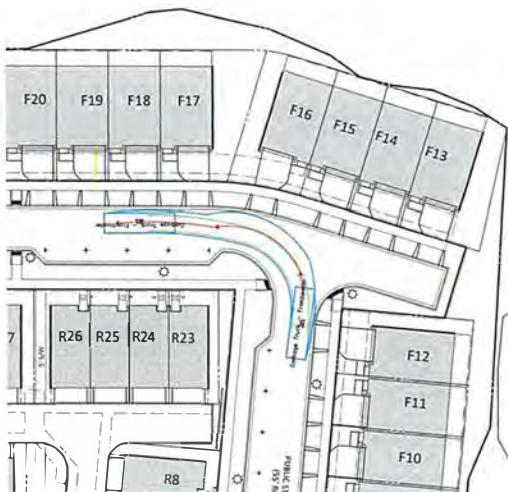
DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: MAY. 2023
VCA PROJECT VMS0567
DRAWING NO. TURN-6

UNIT NO.



Communities Planning & Development Services
Received
August 16, 2023





GARBAGE LEFT TURN ONTO STREET B (PUBLIC)



GARBAGE RIGHT TURN ONTO STREET C (PUBLIC)



GARBAGE LEFT TURN ONTO ALLEY B (PRIVATE)



GARBAGE RIGHT TURN ONTO ALLEY C (PRIVATE)



VIKA MARYLAND, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874
301.916.4100 | vika.com
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PREPARED FOR:
MICHAEL HARRIS
PROPERTIES, LLC
6345 EXECUTIVE BLVD
ROCKVILLE, MD 20852
CONTACT: BEN BULLOCH
E-MAIL: BBULLOCH@HARRISPROPERTIES.COM

ATTORNEY:
MILES & STOCKBRIDGE
1111 WASHINGTON STREET
SUITE 200
POOVSVILLE, MD 20850
301.517.4800
CONTACT: ERIN GRARD
E-MAIL: EGRARD@MILESTOCKBRIDGE.COM

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
301.916.4100
CONTACT: MICHAEL GOODMAN
E-MAIL: GOODMAN@VIKA.COM

REVISIONS	DATE

TOWER PRESERVE

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: G033
DATUM: NAD 83/91, NGVD 86

AUTOTURN GARBAGE

PROFESSIONAL SEAL



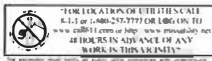
I, MICHAEL GOODMAN, being duly sworn, depose and say that I am a duly licensed Professional Engineer in the State of Maryland, No. 27770, and that I am the author of the above-entitled plan, which I have prepared in accordance with the provisions of the Professional Engineers and Architects Act of 1975, as amended, and the rules and regulations of the Board of Professional Engineers and Architects of the State of Maryland, and that I am not aware of any falsification of the information contained herein.

Subscribed and sworn to before me this 15th day of May, 2023.
Notary Public for the State of Maryland
My Commission Expires: 05/15/2025

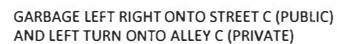
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DESIGNED BY: _____
DATE ISSUED: MAY 2023

VIKA PROJECT: VMS0567
DRAWING NO: TURN-7

SHEET NO: _____



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August 16, 2023

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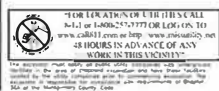
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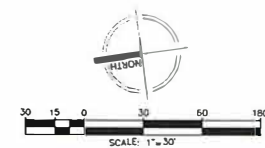
HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A U.S. A LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND
(LICENSE#) NAME: WALTER D. GRIFFITH
LIC# 16 2773
EXPIRATION DATE: Aug 10, 2004

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: MAY 2023
VICA PROJECT **VM50567**
DRAWING NO. **TURN-8**
SHEET NO. _____

SHEET NO.



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Received
August 16, 2023



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 10000 WOODBRIDGE AVENUE
 SUITE 100
 ROCKVILLE, MD 20850
 TEL: 301.771.7700
 FAX: 301.771.7701
 WWW.STREETSCAPEPARTNERS.COM

WIKI MARYLAND, LLC
 10000 WOODBRIDGE AVENUE
 SUITE 100
 ROCKVILLE, MD 20850
 TEL: 301.771.7700
 FAX: 301.771.7701
 WWW.WIKI-MD.COM

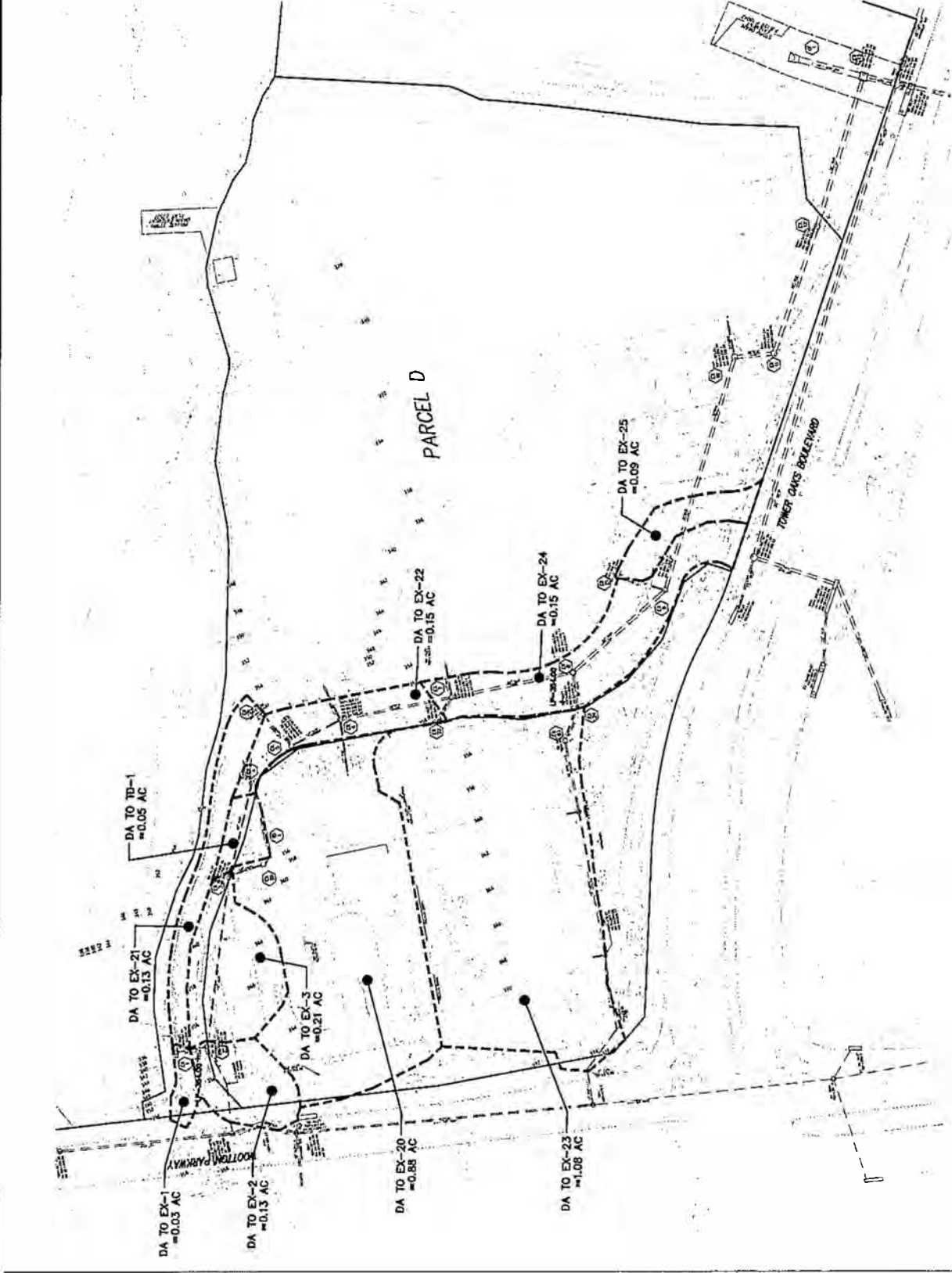
MILES & STOCKBRIDGE
 10000 WOODBRIDGE AVENUE
 SUITE 100
 ROCKVILLE, MD 20850
 TEL: 301.771.7700
 FAX: 301.771.7701
 WWW.MILES-AND-STOCKBRIDGE.COM

PROFESSIONAL SEAL
 DATE _____
 REVISIONS _____

MICHAEL HARRIS HOME AT TOWER OAKS
 10000 WOODBRIDGE AVENUE
 SUITE 100
 ROCKVILLE, MD 20850
 TEL: 301.771.7700
 FAX: 301.771.7701
 WWW.MICHAELHARRISHOME.COM

EXISTING DRAINAGE AREA MAP

DIAMAP-1
 AUGUST 16, 2013



LEGEND

EXISTING DRAINAGE DITCHES

SCALE: 1" = 40'



OWNER/APPLICANT
STREETSCAPE PARTNER
One Preserve Parkway
ROCKVILLE, MD, 20852
PH 301.978.3630
CONTACT Ben Bullock
e-mail: ben.bullock@streetscapemv.com

ENGINEER / PLANNER /
LANDSCAPE ARCHITECT
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874
PH. 301.936.4100
CONTACT: MICHAEL GOODMAN
e-mail Goodman@vika.com

ATTORNEY
MILES & STOCKBRIDGE
31 N. WASHINGTON STREET
SUITE 700
ROCKVILLE, MD 20850
301.517.6804
CONTACT: ERIK GIRARD
e-mail: erik@milesstockbridge.com

[illegible]

PROFESSIONAL SEAL

WFOEN CERTIF. THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME
AND THAT I AM A FULLY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MICHIGAN.
MICHAEL B. GORDON, LICENSE NO. 22222
[EXPIRATION DATE: MAY 18, 2014]

**MICHAEL
HARRIS HOME
AT TOWER
OAKS**
4TH ELECTION DISTRICT
ROCKVILLE
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 217NW06
TAX MAP: G033

PROPOSED DRAINAGE AREA MAP

DRAWN BY: KC/CC
DESIGNED BY: CC/MG
DATE ISSUED: _____

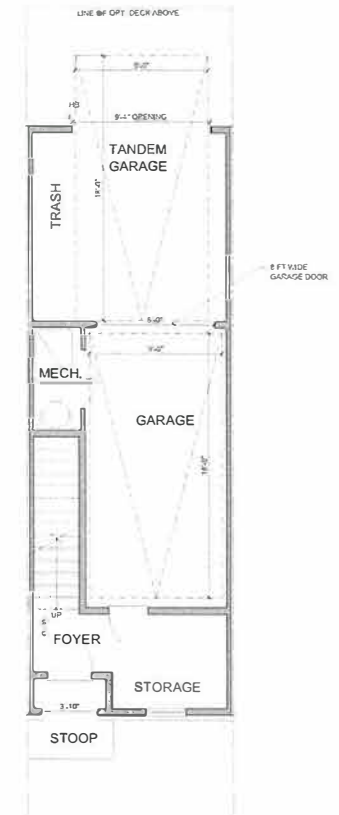
VKA
PROJECT _____
DRAWING
NO. _____

SHEET NO. **DAMAP-2**

THE UNIVERSITY OF CHICAGO

CHILD

"Exhibit B"



FLOOR PLANS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN



Architecture + Planning
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Suite 600
Tysons VA 22182
703.992.6116
ktgy.com



TOWER PRESERVE
MONTGOMERY COUNTY, MD #20220499.00

AUGUST 10, 2023

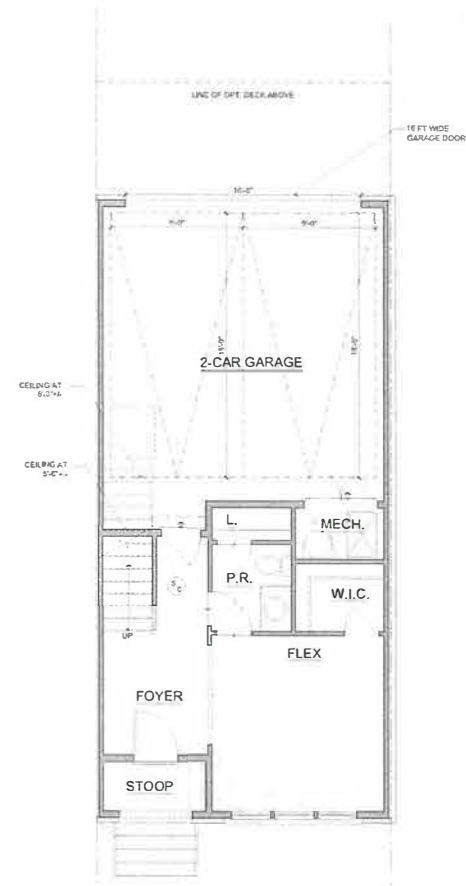
Community Planning & Development Services
Received
August 16, 2023

FLOOR PLANS
14" TOWNHOUSE

A1.0



SECOND FLOOR PLAN SCALE: 1/4"=1'-0" 2



FLOOR PLANS AND DIMENSIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE AT SITE PLAN
FIRST FLOOR PLAN SCALE: 1/4"=1'-0" 1



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August 16, 2023

FLOOR PLANS
20' TOWNHOUSE

B1.0



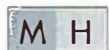
OPTIONAL FOURTH FLOOR PLAN SCALE: 1/4"=1'-0" 2



FLOOR PLANS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN
THIRD FLOOR PLAN SCALE: 1/4"=1'-0" 1



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August 16, 2023

FLOOR PLANS
20' TOWNHOUSE

B1.1



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AND SUBJECT TO CHANGE AT SITE PLAN



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TOWER PRESERVE
MONTGOMERY COUNTY, MD

20220499.00

AUGUST 9, 2023

SCALE: 3/16" = 1'-0"

14' & 20' TH STRIP ELEVATION
FRONT ELEVATION- REAR LOAD

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Received
August 16, 2023

A1.0



HIGH VISIBILITY RIGHT SIDE ELEVATION WITH OPTIONAL BAY



ELEVATIONS AND DIMENSIONS ARE CONCEPTUAL
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HIGH VISIBILITY RIGHT SIDE ELEVATION



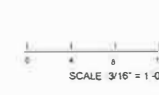
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ktgy.com



TOWER PRESERVE
MONTGOMERY COUNTY, MD

20220499.00

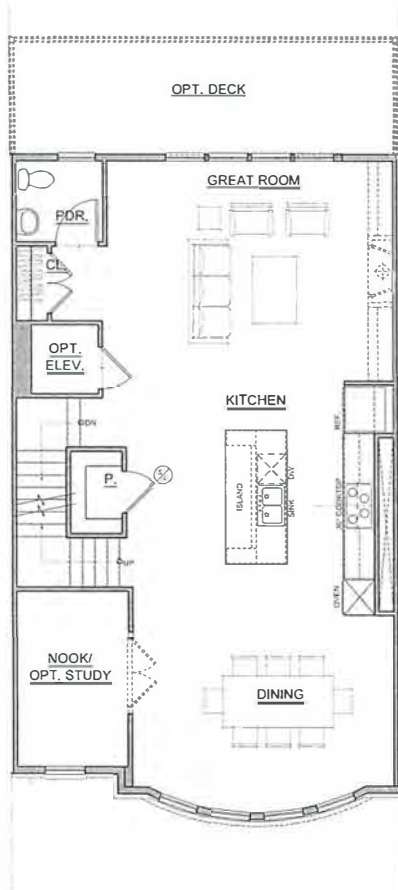
AUGUST 9, 2023



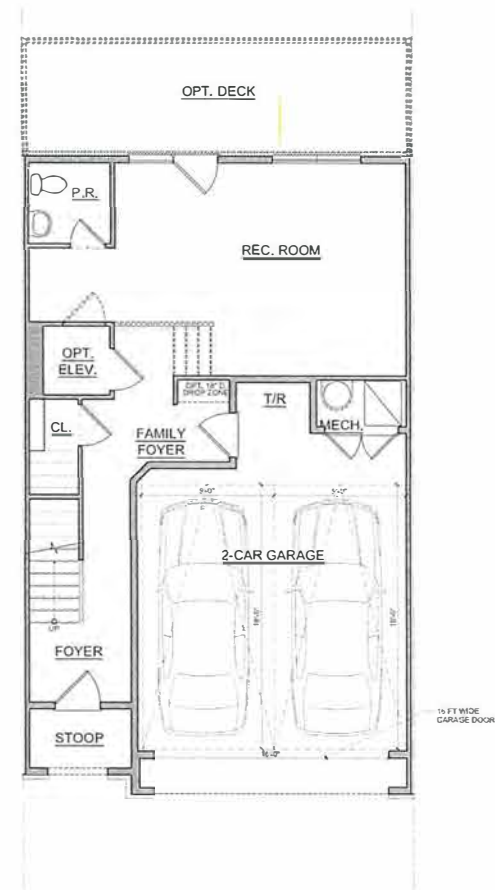
Community Planning & Development Services
Received
August 16, 2023

20' TH ELEVATION
SIDE ELEVATIONS- REAR LOAD

A1.0



SECOND FLOOR PLAN (SHOWN @ ELEV. 3) SCALE: 1/4" = 1'-0" 2



FLOOR PLANS AND DIMENSIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE AT SITE PLAT

FIRST FLOOR PLAN SCALE: 1/8" = 1'-0" 1



OPTIONAL FOURTH FLOOR PLAN SCALE 1/4"=1'-0" 2



THIRD FLOOR PLAN (SHOWN @ ELEV. 3) SCALE 1/8"=1'-0" 1

FLOOR PLANS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN



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8509 Westwood Ctr. Dr.
Suite 600
Tysons, VA 22182
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MONTGOMERY COUNTY, MD #20220499.00

AUGUST 10, 2023

Community Planning & Development Services
Revised
August 16, 2023

FLOOR PLANS
25'-6" TOWNHOUSE

C1.



ELEVATIONS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN

Common Planning & Development Services
Revised
August 9, 2023

26'-6" W TH STRIP ELEVATION
FRONT ELEVATION- FRONT LOBBY

SCALE 3/16" = 1'-0"

AUGUST 9, 2023



TOWER PRESERVE
MONTGOMERY COUNTY, MD #20230499-00

Architecture • Planning
844.496.5459
kpg@cmh.com





ELEVATIONS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN

HIGH VISIBILITY RIGHT SIDE ELEVATION
LOT F1



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888.456.5849
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TOWER PRESERVE
MONTGOMERY COUNTY, MD # 20220499.00

AUGUST 9, 2023

0 4 8 12
SCALE 3/16" = 1'-0"

26'-6" W TH ELEVATION
SIDE ELEVATIONS- FRONT LOAD

A1.

Community Planning & Development Services
Revised
August 16, 2023



ELEVATIONS AND DIMENSIONS ARE CONCEPTUAL
AND SUBJECT TO CHANGE AT SITE PLAN

HIGH VISIBILITY LEFT SIDE ELEVATION
LOT F29



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TOWER PRESERVE
MONTGOMERY COUNTY, MD # 20220499.00

AUGUST 9, 2023

SCALE 3/16" = 1'

26'-6" WITH ELEVATION
SIDE ELEVATIONS- FRONT LOAD

A1.2

Community Planning & Development Services
Reviewed
August 16, 2023

RESOLUTION NO. 25-87

Resolution: To approve Comprehensive
Planned Development Application
CPD-1-85, Tower-Dawson
Limited Partnership, Applicant

WHEREAS, Concept Plan Application CPD-1-85 was filed December 23, 1985 by Tower-Dawson Limited Partnership, 11501 Huff Court, North Bethesda, Maryland, applicant, hereinafter called "Tower-Dawson", requesting approval of a concept plan application for a comprehensive planned development on 192 acres, more or less known as the Westmont tract located east of Interstate 270, north and west of Woodmont Country Club, and south of New Mark Commons, in accordance with a plan submitted under the O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, said Concept Plan Application proposes a major office park development, with related services, containing approximately 2.5 million square feet of floor space and a residential component with up to 275 dwelling units. The basic uses proposed in the Concept Plan are as follows:

<u>Use</u>	<u>Size</u>
Office	1,985,000 s.f.
Hotel	300 rooms
Health and Recreation Facilities	75,000 s.f.
Restaurant	10,000 s.f.
Residence Inn (long term hotel)	170 units
Residential	275 units

Additional uses permitted in a Comprehensive Planned Development would occupy minor amounts of floor space in the project except medical and dental laboratories which uses are not permitted.

The Concept Plan also makes provision for a Lake for recreational and storm water management uses and public parkland. The approximate acreage of land utilization is as follows:

<u>Use</u>	<u>Acres</u>
Lake	12
Office park including related services	135*
Public parkland	5
Public rights-of-way	21
Residential	19
Total	192**

*Includes a portion of the 100-year flood plain.

**Includes 3+ acres not presently in the City.

WHEREAS, pursuant to Section 5-713 and 5-412 of the Zoning and Planning Ordinance, the Planning Commission, at its meeting of October 15, 1986, reviewed the subject application and forwarded its recommendation thereon to the Mayor and Council of Rockville by memo dated October 17, 1986; and

WHEREAS, pursuant to Section 5-713 and 5-413 of the Zoning and Planning Ordinance, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall October 20, 1986, at 8:30 p.m., or as soon thereafter as it may be heard, at which time parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on October 20, 1986, the said application came on for hearing at the time and place indicated in said notice; and

WHEREAS, said matter having been fully considered by the Mayor and Council, the Mayor and Council adopting the findings of fact set forth in the Staff Report of October 10, 1986, the Mayor and Council having decided that a comprehensive planned development on the subject site would promote the health, safety, and general welfare of the citizens of the City of Rockville, the Mayor and Council further finding, pursuant to Section 5-715 of the Zoning and Planning Ordinance, based upon Concept Plan Application CPD-1-85, the Staff Report dated October 10, 1986, the Planning Commission Report dated October 17, 1986, and the public hearing of October 20, 1986, as well as the

remaining matters contained in the record that the proposed development and application, as amended, subject to the conditions, limitations, additions and modifications set forth herein:

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and

2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and

3. Will not be inconsistent with the intent or purpose of Division 7 of Article 5; and

4. Will not be contrary to the requirements contained in Division 5 of Article 5; and

5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage, and other public improvements; and

6. Complies with the development standards and requirements set forth in Division 7 of Article 5; and

7. Complies with any applicable development staging and adequate public facilities recommended in the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Concept Plan Application CPD-1-85, as amended, be, and the same is hereby approved subject to the following conditions, limitations, additions, and modifications:

1. Development Density

a. The maximum amount of nonresidential floor area shall be approximately 2.5 million square feet. The traffic generation of 2.5 million square feet of mixed use, as proposed, has been determined to be substantially equivalent to that generated by 2.1 million square feet of office development

as recommended in the Plan for the Westmont tract. The maximum amount of office space shall not exceed 1.985 million gross square feet.

b. Development shall be allocated among seven development areas identified on Exhibit "A" attached as follows:

<u>Area</u>	<u>Proposed Use Mix</u>	<u>Size/Yield</u>
1	Residence Inn (Hotel) and possible recreation facilities	170 units
2	Office	300,000 g.s.f.
3	Office	325,000 g.s.f.
4	Office	400,000 g.s.f.
	Hotel	300 rooms
	Health and Recreation facilities	75,000 g.s.f.
5	Office	960,000 g.s.f.
6	Restaurant	10,000 g.s.f.
7	Residential	275 d.u. or 14.5 d.u. per gross acre

The amount of floor space in each nonresidential development area may be varied by plus or minus 15 percent except Development Area No. 2 which shall not exceed 300,000 gross square feet.

c. The proposed "Standard Methodology for Traffic Impact Assessments" (or similar traffic impact assessment) shall not be applicable to development undertaken in accordance with the approved use mix and overall density shown above and approved development staging as identified on Exhibit "B" attached.

2. Park and Recreation

a. The five acre park site, the stream valley linking Dogwood Park to the Lake area, and all 100-year flood areas shall be retained in private ownership and placed in easements in favor of the City, except for those areas described in paragraph 8.c. hereof, in a form acceptable to the City Attorney, which areas are generally identified on Exhibit "C" attached.

b. In making calculations of the open space and landscape area requirements of Section 5-709, no distinction shall be made between publicly owned space and privately owned space so long as such areas are part of the gross acreage covered by the Concept Plan Application.

c. The residential component shall contain recreation facilities sufficient for the needs of the proposed dwellings. These facilities may be located within City easement areas if approved by the City.

d. Tower-Dawson shall provide a minimum of fifty (50) additional parking spaces for Dogwood Park in/or immediately adjacent to the park at a location acceptable to the City. The location of the parking area shall be determined during the Detailed Application stage for the residential component. If the parking is provided within the residential component (Development Area No. 7), this may reduce the dwelling unit yield of the development.

e. Tower-Dawson shall construct, at their expense, a jogging trail around the Lake with exertrail stations and benches, and a connecting jogging trail linking the Lake to Dogwood Park. Such trails shall be constructed within the area conveyed for the Lake and/or areas covered by public easements.

f. Tower-Dawson shall have the option to build and operate a boating facility. If not, the City shall have the right to create and operate a boating facility in the area indicated in the Concept Plan Application.

3. Water and Sewer Systems

a. The City will be responsible for the relocation and capacity augmentation of the Cabin John Trunk Sewer from its present location to an area away from the area of the proposed Lake. Such relocation will be coordinated with Tower-Dawson.

b. Any other modifications to existing facilities necessitated as a

result of Tower-Dawson activities will be the full responsibility of Tower-Dawson for design and construction.

c. All extensions of utility services to serve the project on the subject property will be the full responsibility of Tower-Dawson. If the City desires to upgrade the utility services to the project on the subject property, the City will pay the proportionate costs for such upgrades.

d. Tower-Dawson shall be responsible for a proportionate share of all costs associated with the installation (including engineering costs) of a 24" water main in Ritchie Parkway within the boundary of the subject property, of which proportionate costs shall be allocated on a ratio of three-quarters (3/4) to the City and one-quarter (1/4) to Tower-Dawson.

4. Roads and Access

a. Ritchie Parkway

(1) All necessary rights-of-way and easements for construction, slopes, drainage, and utilities shall be dedicated by Tower-Dawson upon finalization of design alignment by the City and execution of the agreement referenced in Paragraph 4.a.(2) hereof.

(2) Tower-Dawson and the City have executed or will execute not later than December 1, 1987, an agreement whereby Tower-Dawson will pay the full cost of improvements, including Upgrades, through the subject property, which agreement shall be in substantially the same form as set forth in Exhibit "D", subject to final approval of the City Attorney.

b. South Access Road

(1) Tower-Dawson shall be responsible for design, right-of-way, and construction of the South Access Road in the locations shown in the Concept Plan Application, as generally shown in Exhibit "E" attached hereto including modifications to Monroe Street, including streetlights,

landscaping, and any future traffic signals.

(2) Tower-Dawson will be responsible for the acquisition of off-site right-of-way necessary for the South Access Road. The City will provide, at no cost to Tower-Dawson, necessary right-of-way for the South Access Road over the existing City owned storm water management facility located north of Montrose Road.

(3) Improvements to the Montrose Road/I-270 interchange and the connection to South Access Road must be constructed by Tower-Dawson in accordance with its obligations under the agreement dated October 13, 1986, among Tower-Dawson, the State Highway Administration, Montgomery County, Fortune Parc Development Corporation, Key Development Corporation, and Snowden River Corporation.

c. East Access Road

(1) Tower-Dawson shall be responsible for the design and construction of the East Access Road. The interior location of the East Access Road is unspecified between Ritchie Parkway and the Dam site. The final location of the East Access Road will be determined during the Detailed Application(s) stage.

(2) The East Access Road will be a private road built to City standards, and Tower-Dawson will provide to the City an easement across such portion as the City may require to allow for the construction, maintenance, and use of the Dam, Lake, and related recreation facilities. This action shall not preclude, at some future time, dedication of the East Access Road as a public road without modification to the Concept Plan Application.

d. Residential Access

Vehicular access to the residential development area shall be via the South Access Road, north of Ritchie Parkway. The need for an emergency only

access way through Dogwood Park shall be determined by the City during review of the Detailed Application for the residential development area.

e. Other Off-Site Roads and Road Improvements

Tower-Dawson will not be responsible for off-site improvements other than those specifically named herein so long as development and staging occur as specified in this resolution.

5. Buildings

The Mayor and Council shall retain approval authority of schematic building designs (without the need for further public hearing) prior to submission of Detailed Applications, and such approval shall be deemed part of the Concept Plan Application approval. Schematic plans shall include the placement of the building or buildings on the site and its relationship to the site components; and vertical section and rough elevation to show approximate height, bulk, and massing. The maximum building height for each development area shall be as follows:

<u>Development Area</u>	<u>Proposed Use</u>	<u>Maximum Height</u>
1	Residence Inn	35'
2	Office	125'
3	Office	125'
4	Office, hotel	125'
	Health and recreation facility	125'
5	Office	125'
6	Restaurant	Not specified
7	Residential	5 stories

6. Waiver and Modifications

The following waivers and modifications to normal O-3 Zone development standards and sign requirements are authorized:

a. Development Standards

(1) Minimum Lot Area - Lots of less than five acres, but not less than one acre are permitted.

(2) Maximum Lot Coverage - Maximum coverage, including parking structures, of up to 90 percent will be permitted for individual lots, provided that the average lot coverage for the entire development does not exceed 30 percent.

(3) Floor Area Ratio - The maximum floor area ratio (F.A.R.) for all nonresidential uses shall be .30 computed on the basis of gross area covered by the Concept Plan Application. Individual lots or development sites may exceed that ratio so long as the overall F.A.R. of .30 for all nonresidential development is not exceeded.

(4) Minimum Setback Requirements - Normal minimum O-3 Zone setback requirements are waived except for the "Limitations on Setbacks for Nonresidential Uses" contained in Section 5-706 of the Zoning and Planning Ordinance.

(5) Minimum Lot Width - Lot width requirements of the O-3 Zone shall be reduced to a minimum of 100 feet at the front lot line and a minimum of 200 feet average lot width.

b. Sign Requirements applicable to signs in the O-3 Zone for size, height, location, and content are waived. A comprehensive sign design package for the entire development shall be subject to the review and approval of the Sign Review Board.

7. Design Guidelines - Specific guidelines for unified lighting (exclusive of public street lights) and landscaping concepts in the Preliminary Guidelines contained in the Concept Plan Application are acceptable. Subsequent Detailed Applications shall be generally consistent with the Preliminary Guidelines subject to final approval in the Detailed Applications.

8. Lake, Dam, and Storm Water Management

a. Tower-Dawson shall be responsible for providing the approved design and applicable permit for the Lake and Dam by the time of the first application for construction permits covering either public or private improvements related to the Lake and Dam, unless otherwise authorized in writing by the City. Tower-Dawson shall direct the engineer to diligently pursue design and obtain necessary permits for the Lake and Dam, with the cooperation of the City.

b. The City will be responsible for construction of the Lake and Dam pursuant to the design plans and permit provided by Tower-Dawson, and approved by the City, which construction will be commenced as promptly as possible by the City.

c. Tower-Dawson shall convey to the City good and marketable fee simple title in that portion of the project which constitutes the land underlying the location of the Lake and Dam and its related elements, such as emergency spillway, jogging trail, exertrail, and related facilities. The area conveyed will include all land up to the elevation of the 100-year flood plain resulting from construction of the Dam and the Lake. Tower-Dawson will reserve an easement across such areas for the East Access Road and related construction activities. Prior to letting the bid for the Lake and Dam, Tower-Dawson will provide to the City a deed conveying good and marketable fee simple title, which deed will be held in escrow by the City to be recorded only upon execution of the contract for construction of the Lake and Dam.

d. Tower-Dawson shall pay its share of the cost of the Lake and Dam, and also pay all cost of the Upgrades of the Lake and Dam pursuant to an agreement to be entered between Tower-Dawson and the City prior to award of the contract for construction of the Lake and Dam which agreement shall contain the provisions set forth in Exhibit "F" attached hereto, the final form of which agreement shall be subject to the approval of the City Attorney.

e. Tower-Dawson shall not receive any credit toward the payment obligation in Paragraph 8.d. above for either the land deeded for the Lake and Dam or the engineering design of the Lake and Dam.

f. Tower-Dawson shall landscape the area of the Dam, Lake, path system, and its related facilities in accordance with a plan approved by the City and the Maryland Water Resources Administration.

g. The City shall be responsible for all general maintenance of the Lake and its surface. The City shall also be responsible for all structural and functional repairs to the Lake, Dam, jogging path, exertrail stations and benches within the area owned by the City, but excluding all walls, bulkheads, and other similar man-made structures along the Lake edge of the Lake as shown on Exhibit "G", whose maintenance will be the responsibility of Tower-Dawson. Tower-Dawson shall be responsible for general maintenance such as trash removal and grass cutting within the area owned by the City which lies above the normal pool elevation of the Lake.

h. The City shall be responsible for all liability associated with, and arising out of, or resulting from the design, construction, use, maintenance, repair and operation of the Lake and the Dam and their related facilities.

i. The City will cooperate in expeditiously filing and processing applications for U.S. Army Corps of Engineers wetlands permits related to the design and construction of the Lake and Dam and Ritchie Parkway.

j. Tower-Dawson will be responsible for providing the design for and constructing the jogging path, exertrail stations, and benches around the Lake and connecting to Dogwood Park.

k. The City will abandon the existing storm water management facility as shown on Exhibit "H" at Montrose Road in conjunction with

Tower-Dawson's construction of the South Access Road. Tower-Dawson shall restore, to its natural state, and may landscape the area of the abandoned facility in accordance with a design plan approved by the City. The City will not require any compensation from Tower-Dawson for the abandonment of such facility.

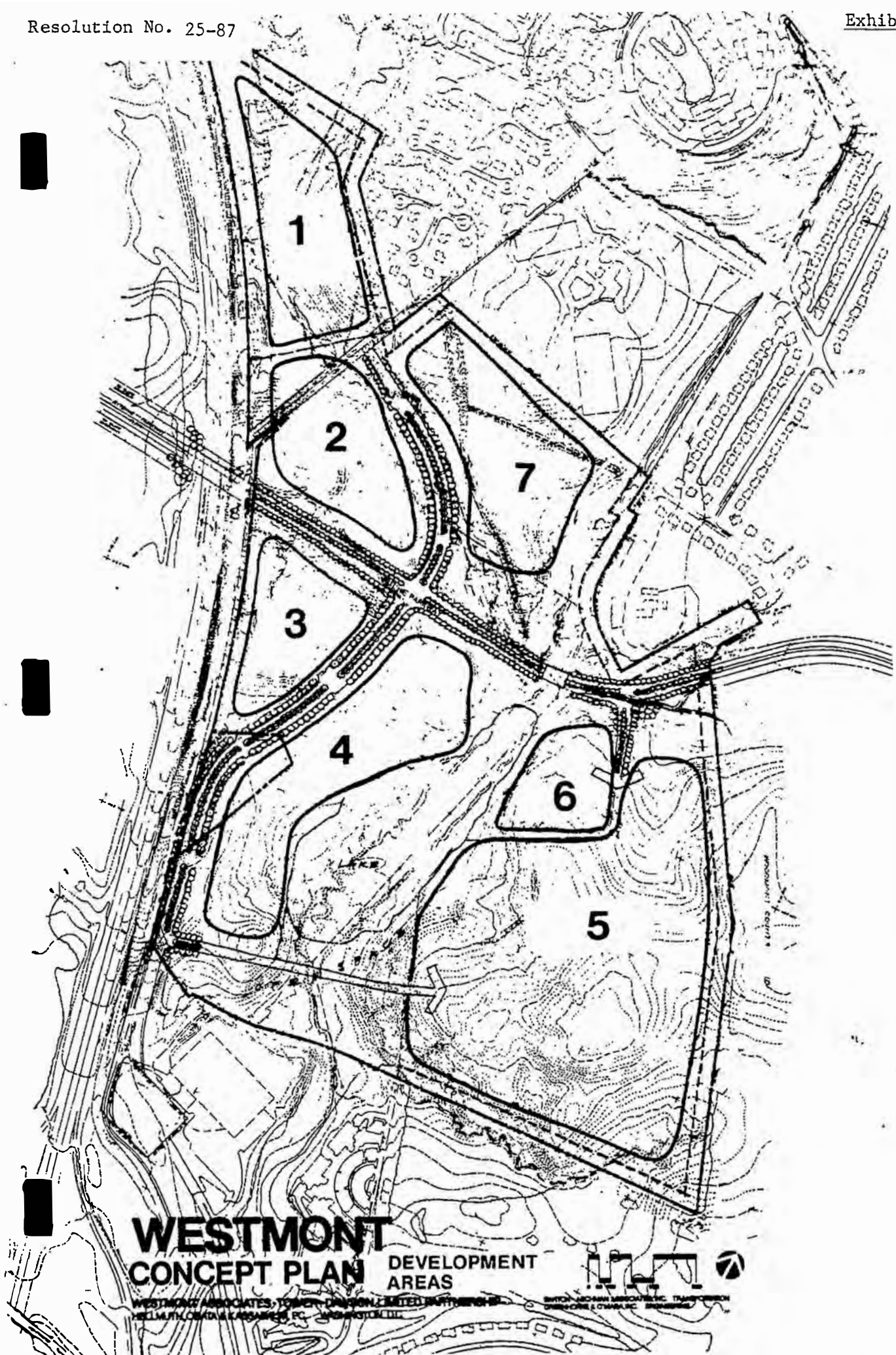
9. Annexation of State Highway Administration Property

Tower-Dawson must annex into the City property presently owned by the State Highway Administration, and shown on Exhibit "I" attached hereto, within five (5) years of the date of this Resolution.

* * * * *

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 October 12, 1987.


City Clerk



WESTMONT CONCEPT PLAN

DEVELOPMENT
AREAS

WESTMONT ASSOCIATES, TOWN OF JARVIS, LIMITED PARTNERSHIP
HILLMUTH, COOPER & KASSABER, P.C. - ARCHITECTS/PLANNERS

BYRON, BOGART, LARSEN & CO. ENGINEERS
SURVEYORS & CIVIL ENGINEERS



Development Staging
Assumptions and Triggering Mechanisms

Exhibit "B"

Basic Assumptions

Plan Adoption
Ritchie Parkway Authorization

Stage	Assumption	Trigger
I	This stage would permit between 400,000 and 800,000 sq ft of floor area subject to the following event(s):	
Up to 400,000 S.F.**	1. Widening of Montrose Road between Old Bridge Road and the Montrose/I-270 Bridge (item 5, Table 13). 2. Extension of Monroe Street into the planning area. 3. Construction of the road improvements noted "A" map 11 (Amended).	Construction of building may commence with the letting of contracts for the work in Assumptions 1, 2 & 3. Occupancy permits shall not be issued until the improvements in Assumptions 1, 2 & 3 are substantially completed.
Up to 800,000 S.F.*	4. Extension of Ritchie Parkway from Seven Locks Road to the planning area. 5. If a connection is made from Ritchie Parkway to Montrose Road via Monroe Street, then all of the improvements in Paragraphs 1, 2 and 3 above become a part of this assumption. *NOTE: Access for construction of buildings shall not be via the existing intersections of Montrose Road with Monroe Street and with Fara Haven Drive.	Construction of building may commence with let of contracts for the work in Assumption 4. Occupancy permits shall not be issued until the improvements in Assumption 4 are substantially completed.
II	1. Completion of Ritchie Parkway from the planning area to Route 355.	Completion of applicable requirements from prior stages. Contracts awarded for work in Assumptions 1 & 2.
Up to 1.2 million S.F.	2. Unprogrammed improvement 3a,***	
III	1. Falls Road Interchange 2. Unprogrammed improvements 1, 2, 3b**, 3c, 4.	Completion of applicable requirements from prior stages. Construction of buildings may commence when 50% of the amount of the construction contract for work in Assumption 1 has been disbursed. Contract award for work in Assumption 2.
Up to 1.6 million S.F.		
IV	1. Direct access ramp Montrose/I-270 interchange (item 7, Table 13). (The final configuration of the Montrose Interchange and direct access ramp will determine the extent of additional development beyond 1.6 million S.F.) This determination will be made at the time that design of the direct access ramp is approved. 2. The developer shall provide to the City a traffic analysis of the project and the roadnet serving the project, using methods approved by the City. The analysis shall determine the relationship between projected and actual traffic conditions, and the effect of that traffic on the capacity of in-place and planned road improvements, and identify actions which the City can take to alleviate any problems which may exist without altering the development density approved in the plan or denying use permits therefore. Provided further, however, that at the time use permits are granted for any square footage exceeding 1.9 million square feet, the City may require dedication of onsite rights of way or reasonable contributions for traffic engineering improvements on or immediately adjacent to the site under two conditions: 1) that traffic problems have arisen; and 2) traffic generation (trips) from the planning area exceed those anticipated under the Plan.	Completion of applicable requirements from prior stages. Improvements substantially completed.
Up to 2.1 million S.F.****		

** Item 3b may be deleted if Item 7 is built.

*** Refer to Table 13, page 9-20 for more detail.

**** Within the range of error of estimate (6%) up to 2.2. million square feet could be accommodated. This will be subject to Assumption 2 of Stage IV.

NOTE: If the Falls Road Interchange is not begun by stage III, but Monroe Street is relocated to connect directly to a modified Montrose Road/I-270 Interchange, then between 1.2 and 1.7 million square feet may be authorized by the Planning Commission as it may reasonably determine. As an incentive to the Owner, in the event a modified Monroe Street and Montrose/I-270 interchange can be implemented during stages I, II or III, then the Planning Commission may reevaluate the amount of square footage in stages I, II, III, & IV.

Exhibit "C"

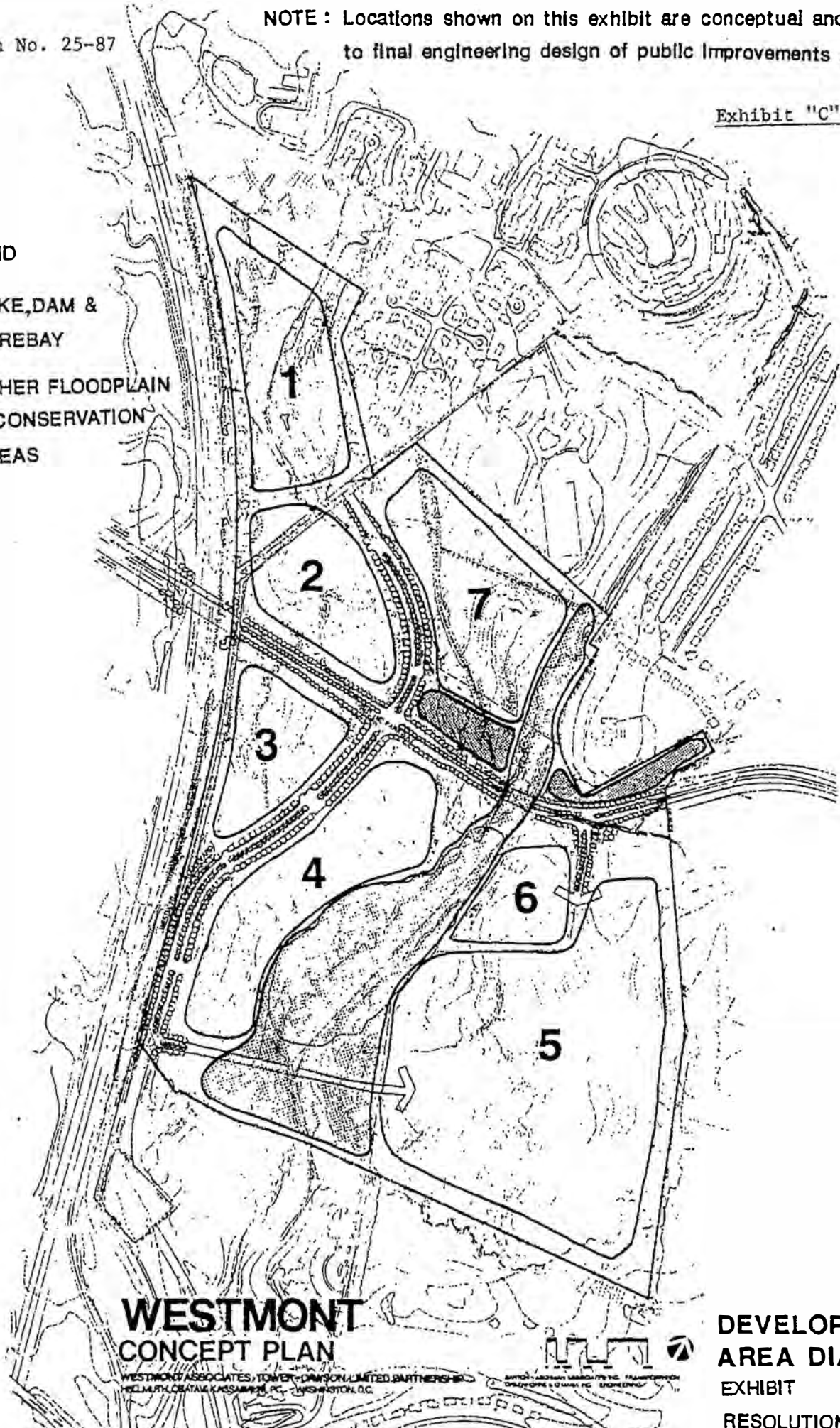
LEGEND



LAKE, DAM &
FOREBAY

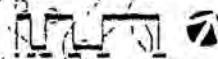


OTHER FLOODPLAIN
& CONSERVATION
AREAS



**WESTMONT
CONCEPT PLAN**

WESTMONT ASSOCIATES, TOWER-DANSON LIMITED PARTNERSHIP
HELMUTH, OBATAKASSABIAN, P.C. - WASHINGTON, D.C.



**DEVELOPMENT
AREA DIAGRAM
EXHIBIT
RESOLUTION**

EXHIBIT "D"

ASSESSMENT AGREEMENT

This Agreement made this _____ day of _____, 1987, by and between the Mayor and Council of Rockville, Maryland, a municipal corporation of the State of Maryland, hereinafter referred to as the "City", and Tower-Dawson Limited Partnership, a Maryland Limited Partnership, hereinafter referred to as "Tower-Dawson".

WITNESSETH:

WHEREAS, Tower-Dawson is the owner of a certain tract of land comprising 192 acres, more or less, known as the "Westmont Tract" located east of Interstate 270, north and west of the Woodmont Country Club, Inc. and south of New Mark Commons, hereinafter referred to as the "Subject Property"; and

WHEREAS, Tower-Dawson filed Concept Plan Application CPD-1-85 requesting approval of a Concept Plan application for a comprehensive planned development on the Subject Property in accordance with the plans submitted under the O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, the aforesaid Concept Plan provides, inter alia for the construction of Ritchie Parkway through and across the Subject Property; and

WHEREAS, the City has approved the application for a comprehensive planned development on the Subject Property subject to certain conditions, limitations, additions and modifications, including, but not limited to, the dedication by Tower-Dawson of the necessary rights-of-way and related easements for that part of Ritchie Parkway which crosses through the subject property; and

WHEREAS, Tower-Dawson has agreed to dedicate all necessary rights-of-way and related easements for Ritchie Parkway; and

WHEREAS, Tower-Dawson has also agreed to pay the cost of Ritchie Parkway through the Subject Property as more particularly hereinafter described; and

WHEREAS, the aforesaid Concept Plan application approval required, inter alia, that an agreement be entered into between Tower-Dawson and the City providing for the payment of the cost of Ritchie Parkway through and across the Subject Property.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The City shall design and construct Ritchie Parkway through and across the Subject Property, including upgrades through the Subject Property as provided in City Capital Improvement Project 1D11.

2. Tower-Dawson's financial contribution to the cost of the design and construction of Ritchie Parkway will be in the amount of the special benefit assessment applied to the Subject Property. Tower-Dawson on behalf of itself

and its successors and assigns hereby agrees, covenants, and acknowledges that the Subject Property is specially benefited in an amount equal to or greater than the special benefit assessment as calculated pursuant to the formula described herein.

3. For the purposes of this Agreement, Base Ritchie Parkway shall mean a four lane roadway and appurtenances thereto, including, but not limited to, turning lanes, median strips and signalization, a cross-section of which is attached hereto as Exhibit "D-1", from the centerline of the intersection of Seven Locks Road to the west right-of-way line of Rockville Pike. The special assessment against the Subject Property shall be the sum of (a) the average cost per foot (excluding costs of land acquisition and contributions from the federal and state governments) for Base Ritchie Parkway multiplied by the length of Base Ritchie Parkway that lies within the boundaries of the subject property, and (b) the cost for the upgrades for that portion of Ritchie Parkway which lies within the boundaries of the Subject Property, which upgrades are set forth on Exhibit "D-2" to the concept plan application. As more particularly set forth on Exhibit "D-2", the parties agree that Tower-Dawson shall pay one hundred percent of the upgrades shown as striped areas on Exhibit "D-2" and shall pay fifty percent of the upgrades as shown on the cross-hatched area of Exhibit "D-2".

4. Tower-Dawson hereby consents to the foregoing special benefit assessment against the Subject Property and waives all legal requirements for a public hearing and notice thereof in connection with the above described assessment and will not contest the levy of the assessment on the subject property, or protest, file an appeal or commence any litigation challenging the special assessment resulting from the construction of Ritchie Parkway provided the same is consistent with this Agreement.

5. The special benefit assessment described herein may be reallocated by Tower-Dawson to individual parcels of the Subject Property, only with the City's prior written consent, which consent shall not be unreasonably withheld. Such consent shall not be effective as to the City until a written agreement executed by the parties, or their successors and assigns, is recorded among the Land Records of Montgomery County, Maryland.

6. The assessments to be levied pursuant hereto shall be payable by Tower-Dawson upon levy of any such assessment or over a period of at least ten years after such assessment is levied. In the event that Tower-Dawson elects to pay the assessment over a period of time after the assessment is levied, the assessment to be paid by Tower-Dawson shall include the financing charges incurred by the City in connection with financing the costs for the construction of Ritchie Parkway.

7. This Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall be a covenant running with the land of the Subject Property.

8. Any modification or amendment to this Agreement must be in writing and duly executed by all parties hereto and recorded among the Land Records of Montgomery County, Maryland to be effective.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this _____ day of _____, 1987,

Resolution No. 25-87

ATTEST:

THE MAYOR AND COUNCIL OF ROCKVILLE

Helen M. Heneghan, City ClerkBy: Richard V. Robinson, City Manager

TOWER-DAWSON LIMITED PARTNERSHIP

Witness

By: _____

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this _____ day of _____, 1987, before me, the undersigned officer, personally appeared Richard V. Robinson, who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, Maryland, a municipal corporation, and that he as such City Manager being authorized so to do, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, by signing the name of the corporation by himself as City Manager.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: 7/1/90

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this _____ day of _____, 1987, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself/themselves to be the general partner(s) of Tower-Dawson Limited Partnership, a Maryland limited partnership, and that he/she/they being authorized so to do, executed the foregoing instrument on behalf of the partnership for the purposes therein contained, by signing the name of the partnership by himself/herself/themselves as said general partner(s).

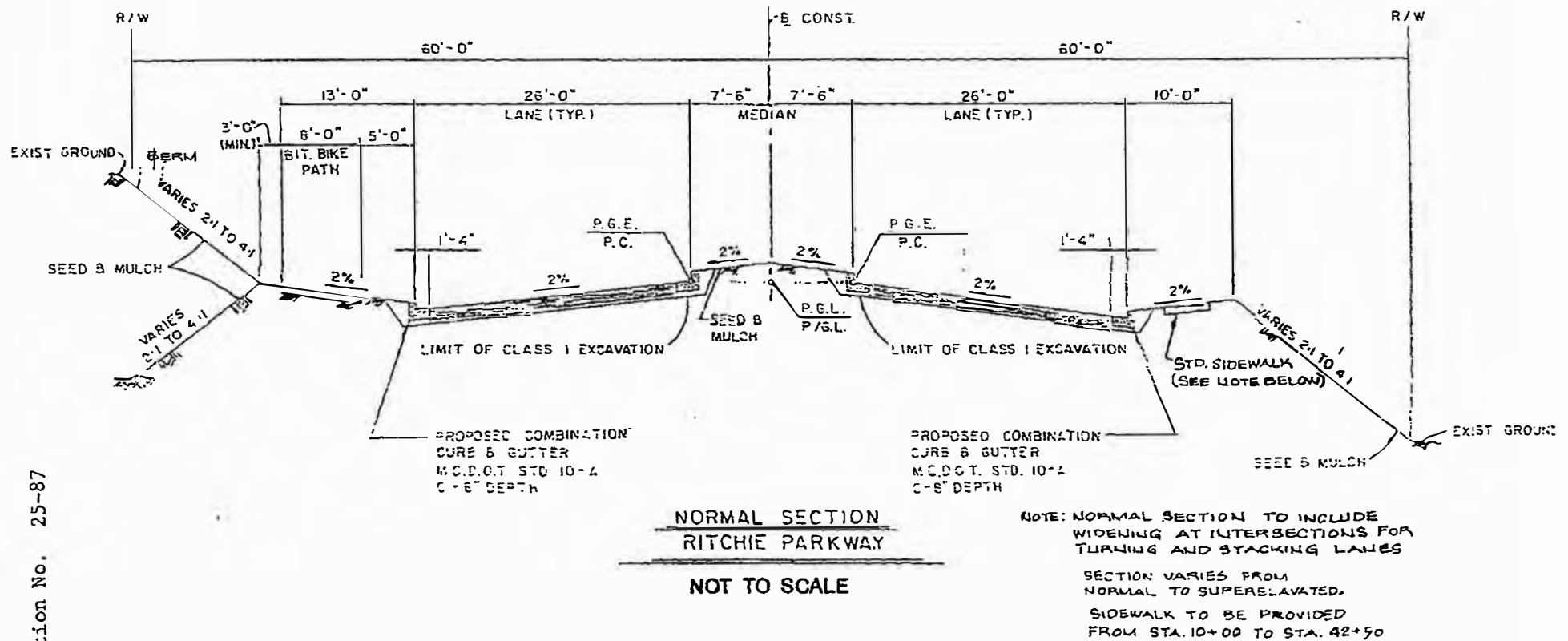
In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: 7/1/90

SOURCE : PRELIMINARY DESIGN PLANS FOR RITCHIE PARKWAY BY ENVIRODYNE ENGINEERS, INC.

Exhibit "D-1"



Resolution No. 25-87

Base landscaping is equivalent to that constructed from
Sta. 10+00 to Sta. 22+70 and from Sta. 47+00 to Sta. 102+78

BASE RITCHIE PARKWAY CROSS SECTION

EXHIBIT
RESOLUTION

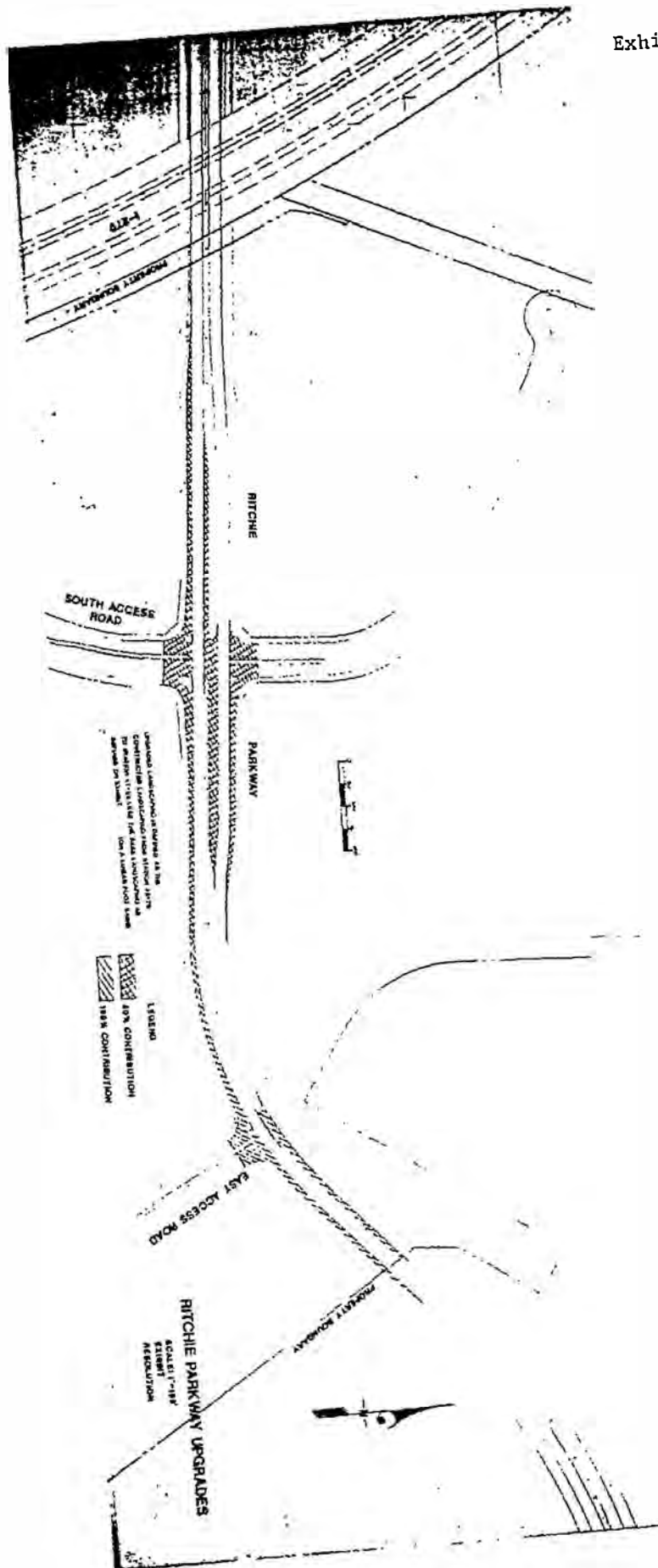
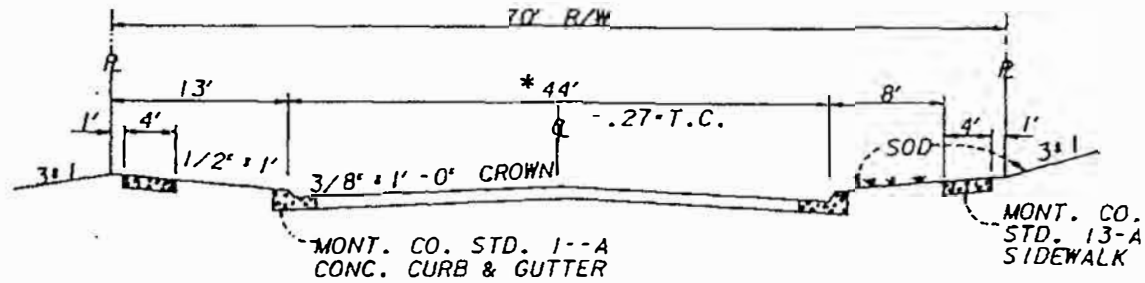
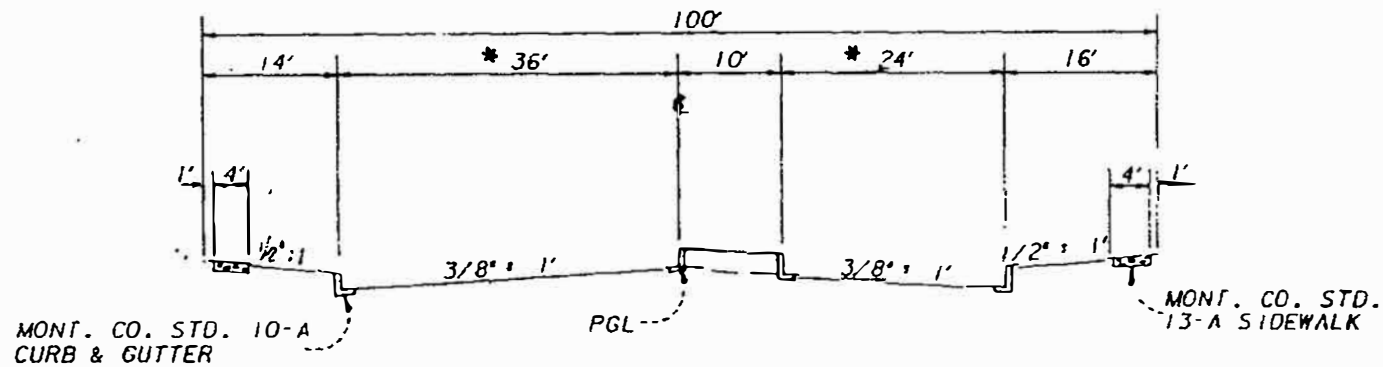


Exhibit "E"



TYPICAL PAVING SECTION 70' R/W

NO SCALE



TYPICAL PAVING SECTION 100' R/W

NO SCALE

NOTE: * Lane width varies for right and left turn lanes

SOUTH ACCESS ROAD
TYPICAL CROSS-SECTIONS
EXHIBIT

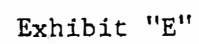


Exhibit "E"

EXHIBIT "F"Outline Agreement for Future Financing
Agreement between the Applicant and the
City for the Cost of the Lake and Dam

1. This document (the "Outline Agreement") shall constitute the outline of an agreement to be entered between the Applicant and the City with respect to payment of the Applicant's contributions toward the cost of construction of the Lake and Dam, which later agreement shall be in a form recordable among the Land Records of Montgomery County, Maryland (the "Financing Agreement") and be a covenant running against the land.

2. Construction of the Lake and Dam in accordance with the design provided by Applicant will be financed by the City.

3. Applicant will make a financial contribution to the construction of the Lake and Dam in amounts calculated as set forth herein.

4. Applicant will be responsible for its pro rata share of the cost of the Base Lake and Base Dam in an amount equal to its normal Stormwater Management Fund contribution, calculated as set forth herein (the "Fund Component"). Applicant will also be responsible for the cost of the Upgrades of the Lake and Dam, calculated as set forth herein (the "Upgrades Component"). Payment of the Fund Component and the Upgrades Component will be made pursuant to the Financing Agreement to be entered between the Applicant and the City prior to award of the contract for construction of the Lake and Dam, which Financing Agreement will set forth the method of payment in accordance with the parameters of this Outline Agreement.

5. Applicant's total financial contribution to the cost of construction of the Lake and Dam will be the sum of the Fund Component and the Upgrades Component.

6. The total amount of the Upgrades Component shall be calculated by:

(a) Computing:

(i) the quantities of the materials comprising the Base Lake and the Base Dam; and

(ii) the quantities of materials comprising the Upgraded Lake and the Upgraded Dam; and

(b) Securing actual public bid prices for the materials in Paragraph 6(a)(ii) (based on the bid of the lowest responsible bidder) after public bid of the Upgraded Lake and the Upgraded Dam; and

(c) Applying the prices from the public bid obtained pursuant to Paragraph 6(b) to the quantities of materials established pursuant to Paragraph 6(a) and multiplying the same to obtain total costs for said materials; and

(d) For any such materials included in the Base Lake or Base Dam which are not included in the Upgraded Lake or Upgraded Dam (and, therefore, not included in the public bid), Greenhorne and O'Mara will use its best judgment, after consultation with appropriate contractors, to determine accurate prices for any such materials established pursuant to Paragraph 6(a) and multiplying the same to obtain total cost for said materials; and

(e) Subtract the total cost of the Base Lake and Base Dam, computed as the sum of the material prices calculated in Paragraph 6(c) and 6(d), from the actual public bid price of the Upgraded lake and Upgraded Dam obtained pursuant to Paragraph 6(b), which resulting amount will be the cost of the Upgrades of the Lake and Dam.

(f) Payment of the Upgrades Component shall commence no later than commencement of construction of the Lake and Dam.

(g) Payment of the Upgrades Component shall be made on a pro rata annual basis over a period of not less than ten years following commencement.

7. In the event that either the Applicant or the City dispute the computation described in Paragraph 6 hereof, the parties shall meet with an independent estimating company, or such other firm as may be mutually agreed upon by the parties, to agree on the cost of materials for the Base Lake, Base Dam, Upgraded Lake and/or Upgraded Dam and the calculation of the contribution to be made by the applicant. After meeting with the parties, the decision of such firm as may be mutually agreed upon by the parties, shall be binding on both the Applicant and the City.

8. The total amount of the Fund Component shall be calculated as:

(a) The estimated amount of impervious area within the Project to be determined by the parties, times the Stormwater Management Fund's per acre payment rate (the "Rate") in effect at the time payment of the fund Component is commenced.

(b) Applicant will be responsible for payment of interest on the Fund Component at a rate sufficient only to cover the City's own financing costs for the equivalent funds (the "Interest").

(c) Applicant may commence payment of the Fund Component without interest, at any time following approval of the Concept Plan by advising the City and making a pro rata annual payment. Applicant shall commence payment of the Fund Component no later than the commencement of construction of the Lake and Dam. Interest on the fund Component shall accrue at such time as the City incurs the expense of said Interest by obtaining financing for the construction of the Lake and Dam. At such time as payment of Interest and the Fund Component begins, said Interest shall be calculated only on the remaining balance due of the Fund Component at such time as the City incurs the expense of said Interest related to the construction of the Lake and Dam.

(d) The Applicant can prepay the principal amount of the Fund Component at any time and without any penalty.

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(e) Applicant may, prior to commencement of construction of the Lake and Dam and before the required commencement of payment of the Fund Component, make payments to the Stormwater Management Fund in accordance with the normal procedures of the City for permits needed for construction of impervious area(s). In the event that such earlier payments are made, they will be credited fully against the principal amount of the Fund Component otherwise due, so as to reduce the total amount of the Fund Component.

9. In the event the Applicant begins development of the subject property before commencement of construction of the Lake and Dam, and such development would require Stormwater Management under the City's Sediment Control and Stormwater Management Ordinance, the Applicant will make payment to the Stormwater Management Fund at the time development permits are granted in accordance with normal procedures of the City.

10. In the event the Applicant seeks development which would create impervious area over and above the estimate set forth in Paragraph 8.(a) hereof, the Applicant will make payment to the Stormwater Management Fund at the Rate in effect at the time development permits are granted for any such excess Impervious Acreage, in accordance with normal procedures of the City.

11. The City will commence construction of the Lake and Dam promptly following receipt of permits provided by the Applicant pursuant to Paragraph 8 of the Resolution granting approval of Concept Plan Application CPD-1-85.

12. The City will provide releases of the Financing Agreement as needed, including when the same result from reallocation of the obligation hereunder within the Property.

13. Applicant will not receive any credit toward the financing obligation herein for either the land deeded for the Lake and the Dam or the engineering design of the Lake and the Dam.

14. The obligations under the Finance Agreement may be reallocated by the Applicant at its discretion in the future, with consent of the City which consent shall not be unreasonably withheld, to individual parcels of the Subject Property, so long as the full amount of the obligation then-existing remains obligated.

15. Attached hereto please find definitions which will apply in connection with the terms used in this agreement.

DEFINITIONS

(1) Base Dam - That portion of the design items prepared for the City by Greenhorne and O'Mara in June, 1983, titled South Rockville Stormwater Management Impoundment Project and consisting of text and eleven sheets, as Application/Permit No. 79-PD-0940, approved by letter from the Water Resources Administration to the City of Rockville on November 7, 1984, constituting the dam component for the Stormwater Management Lake and which is a part of the City CIP as Project No. 0A59.

(2) Base Lake - That portion of the design items prepared for the City by Greenhorne and O'Mara in June, 1983, titled South Rockville Stormwater Management Impoundment Project, and consisting of text and eleven sheets, as Application/Permit No. 79-PD-0940, approved by letter from the Water Resources Administration to the City of Rockville on November 7, 1984, constituting the lake component for the Stormwater Management Lake and which is a part of the City CIP as Project No. 0A59.

(3) Dam - The Upgraded Dam as defined herein.

(4) Lake - The Upgraded Lake as defined herein.

(5) Upgrades:

(a) As to the Dam: Those design elements incorporated into the design now being prepared by Greenhorne and O'Mara, to be titled Plan Development Westmont Pond, which elements are different from those of the Base Dam, but excluding: (1) any modifications to said Upgrades requested by the City which arise from revision to the design of Base Ritchie Parkway, and (2) changes to the Base Dam required by Water Resources Administration which changes are not a result of the Upgrades.

(b) As to the Lake: Those design elements incorporated into the design now being prepared by Greenhorne and O'Mara, to be titled, Plan Development Westmont Pond, which elements are different from those of the Base Lake, but excluding: (1) any modifications to said Upgrades requested by the City which arise from revision to the design of Base Ritchie Parkway, and (2) changes to the Base Lake required by Water Resources Administration which changes are not a result of the Upgrades.

(6) Upgraded Dam - The Base Dam as designed, as modified to incorporate the Upgrades, as said design is finally approved by the Water Resources Administration.

(7) Upgraded Lake - The Base Lake as designed, as modified to incorporate the Upgrades, as said design is finally approved by the Water Resources Administration.

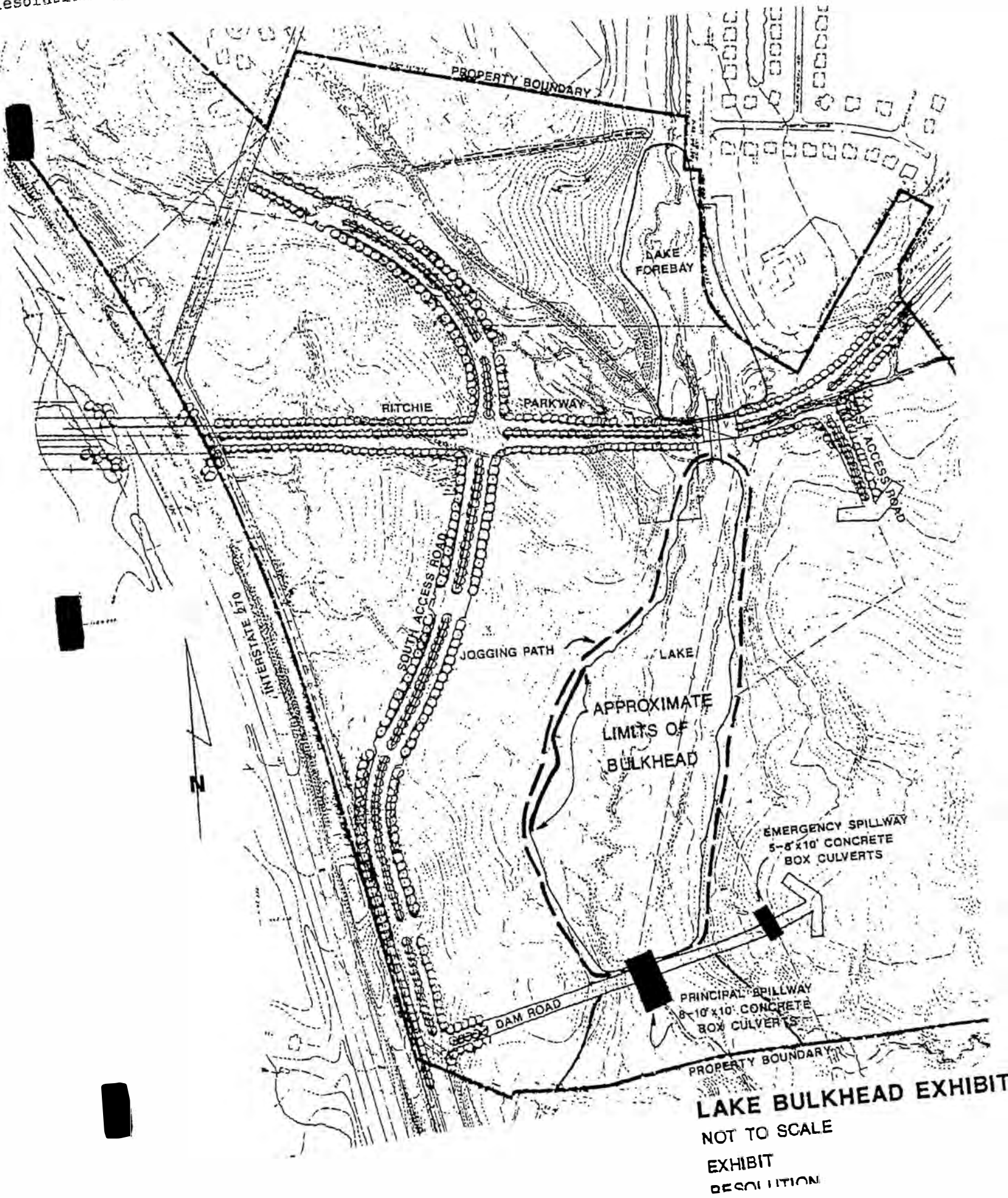
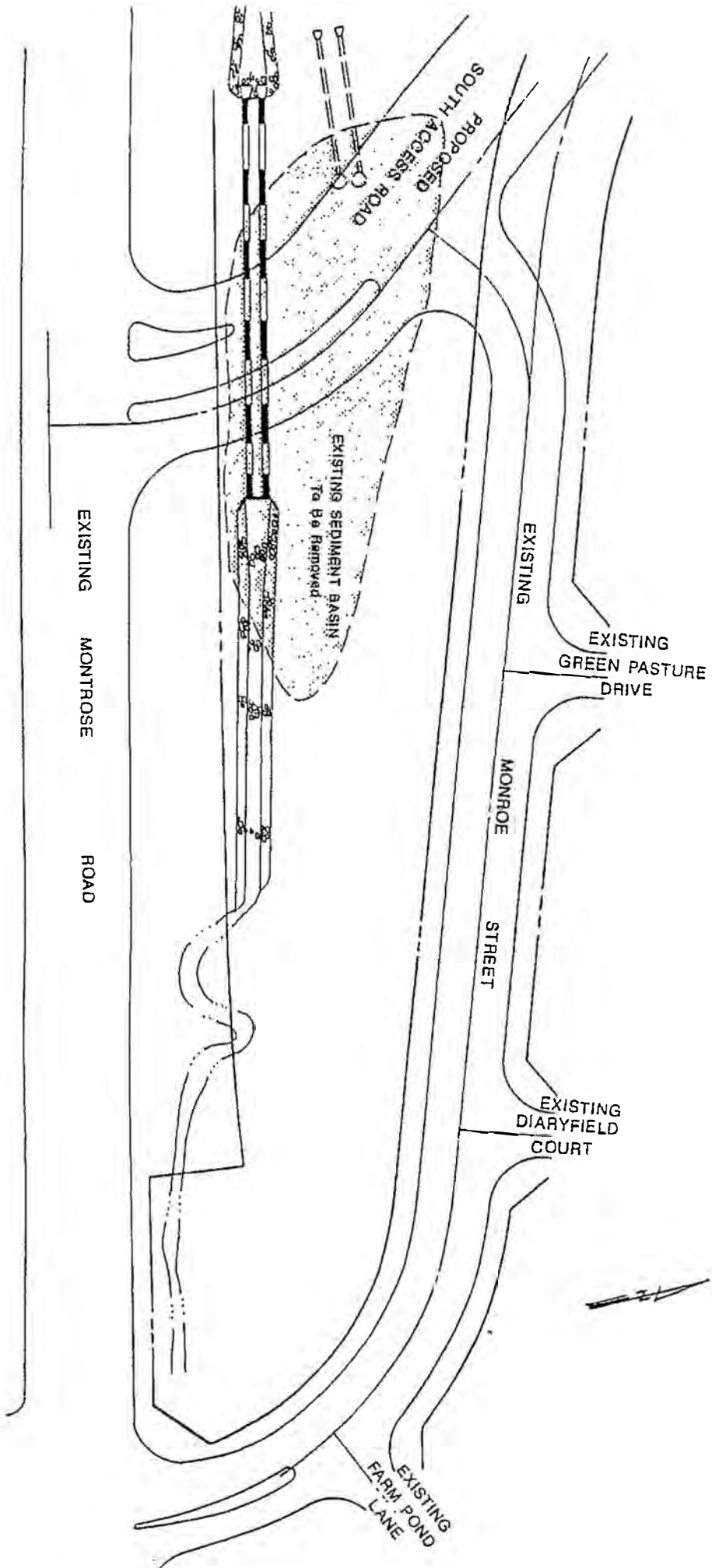


Exhibit "H"



LEGEND



EXISTING BASIN AREA TO BE REMOVED

NORTH FARM STORMWATER MANAGEMENT POND

SCALE: 1"=90' ±

EXHIBIT



ENGINEERS

ARCHITECTS

PLANNERS

SCIENTISTS

SURVEYORS

PHOTOGRAMMETRISTS

DESCRIPTION

Exhibit "I"

PART OF LOT 23, BLOCK "C"

"WHEEL OF FORTUNE"

PLAT BOOK 26, PLAT 1605

All that piece or parcel of land situate, lying and being in the City of Rockville, Election District No. 4 of Montgomery County, Maryland being a part of Lot 23, Block "C" as delineated on a plat of subdivision entitled "Wheel of Fortune, City of Rockville as recorded in Plat book 26 at Plat 1605; also being all of that same tract of land as conveyed to the State of Maryland as per deed dated July 14, 1953 and recorded in Liber 1816 at Folio 49 all being filed among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at a point at the end of the 26th line of a conveyance by Maury Young, Successor Trustee and Charles Helferstay, Successor Trustee and Successor Trustees of Wondmont Park Property Partnership to Westmont Associates, a Virginia Limited Partnership by deed dated November 1, 1979 and recorded among the aforesaid Land Records in Liber 5425 at Folio 830; thence with and binding on a part of the 26th line reversed of the said conveyance

1. South 53°25'31" East, 106.45 feet to a point; thence
2. South 21°54'30" West, 692.33 feet to a point on the easterly right of way line of the Washington National Pike, I-270 as

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GREENHORNE & O'MARA, INC.

delineated on State Roads Commission of Maryland Plats 13352 and 13353 as filed among the records of the Maryland State Highway Administration; thence with and binding on a part of the same

3. North $12^{\circ}30'48''$ West, 591.43 feet to a point; thence leaving said right of way line and running
4. North $62^{\circ}45'56''$ East, 146.41 feet to a point; thence
5. North $70^{\circ}13'56''$ East, 181.50 feet to the point of beginning; containing 132,490 square feet or 3.04155 acres of land.

SUBJECT TO:

Any and all easements, rights of way, covenants and restrictions of record or imposed by law.

RESOLUTION NO. 21-93

Resolution: To approve Amendments to Comprehensive Planned Development Application CPD-1-85, (known as the "Tower-Oaks Concept Plan"), previously approved by Resolution No. 25-87, Tower-Dawson Limited Partnership, Applicant

WHEREAS, Concept Plan Application CPD-1-85 was filed December 23, 1985 by Tower-Dawson Limited Partnership, 11501 Huff Court, North Bethesda, Maryland, applicant, hereinafter called "Tower-Dawson", requesting approval of a concept plan application for a comprehensive planned development on 192 acres, more or less, known as the Tower Oaks tract (formerly known as the "Westmont Tract") located east of Interstate 270, north and west of Woodmont Country Club, and south of New Mark Commons, in accordance with a plan submitted under the O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, said Concept Plan Application proposed a major office park development, with related services, containing approximately 2.5 million square feet of floor space and a residential component with up to 275 dwelling units. The basic uses proposed in the Concept Plan, referred to as the "Project," were as follows:

<u>Use</u>	<u>Size</u>
Office	1,985,000 square feet
Hotel	300 rooms
Health and Recreation Facilities	75,000 square feet
Restaurant	10,000 square feet
Residence Inn (long term hotel)	170 units
Residential	275 units

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Additional uses permitted in a Comprehensive Planned Development would occupy minor amounts of floor space in the Project except medical and dental laboratories which uses are not permitted.

The Concept Plan also made provision for a Lake for recreational and storm water management uses and public parkland. The approximate acreage of land utilization was as follows:

<u>Use</u>	<u>Acres</u>
Lake	12
Office park including related services	135 ^{1/}
Public parkland	5
Public rights-of-way	21
Residential	<u>19</u>
TOTAL	192

WHEREAS, pursuant to then Section 5-714, now Section 25-654, of the Zoning and Planning Ordinance, the Mayor and Council adopted Resolution No. 25-87 approving Concept Plan Application CPD-1-85, as amended, including the proposed Lake, subject to certain conditions, limitations, additions, and modifications as set forth in said resolution; and

WHEREAS, the Lake proposed in the Approved Concept Plan may not be pursued because of difficulties in satisfying federal wetlands regulations; and

WHEREAS, Tower-Dawson on December 29, 1992 filed a request for an amendment to the approved Tower Oaks Concept Plan No. CPD-1-85 for the purpose of eliminating the Cabin John Lake as an element of

^{1/} Includes a portion of the 100-year flood plain

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the Concept Plan and adding a public parkland element and a potential site for a stormwater management facility; and

WHEREAS, the requested amendment proposes approximate acreage of land utilization as follows:

Use	Acres
Stream Valley Park and Potential Stormwater Management Facility	12
Office park including related services	135 ² / ₁
Public parkland	5
Public rights-of-way	21
Residential	<u>19</u>
TOTAL	192

and

WHEREAS, pursuant to Sections 25-653 and 25-556 of the Zoning and Planning Ordinance, the Planning Commission, at its meeting of March 24, 1993, reviewed the subject request for an amendment to the Tower Oaks Concept Plan and forwarded its recommendation thereon to the Mayor and Council of Rockville by memo dated March 26, 1993; and

WHEREAS, pursuant to Sections 25-653 and 25-557 of the Zoning and Planning Ordinance, the Mayor and Council of Rockville gave notice that a public hearing on said request for an amendment would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall April 19, 1993 at 7:30 p.m., or as

²/ Includes a portion of the 100-year flood plain

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

WHEREAS, on April 19, 1993 the said request for amendment came on for hearing at the time and place indicated in said notice; and

WHEREAS, said matter having been fully considered by the Mayor and Council, the Mayor and Council having previously decided in Resolution No. 25-87 that a comprehensive planned development on the subject site would promote the health, safety, and general welfare of the citizens of the City of Rockville, and having now determined that an amendment to the Concept Plan for the Project is appropriate and necessary, the Mayor and Council further finding, pursuant to Section 25-655 of the Zoning and Planning Ordinance, based upon the proposed amendments to the Concept Plan CPD-1-85, Staff Reports dated March 19, 1993, and May 3, 1993, the Planning Commission Report dated March 26, 1993, and the public hearing of April 19, 1993, as well as the remaining matters contained in the record, that the proposed amendments to Concept Plan CPD-1-85, subject to the conditions, limitations, additions and modifications set forth herein:

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and

2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and

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3. Will not be inconsistent with the intent or purpose of Chapter 25, Article XII, Division 7 of the Rockville City Code; and

4. Will not be contrary to the requirements contained in Chapter 25, Article XII, Division 5 of the Rockville City Code; and

5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage and storm water management systems, and other public improvements; and

6. Complies with the development standards and requirements set forth in Chapter 25, Article XII, Division 7 of the Rockville City Code; and

7. Complies with any applicable development staging and adequate public facilities recommended in the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the request for amendments to Concept Plan Application CPD-1-85, be granted with modifications, and that Concept Plan Application CPD-1-85, as amended, be, and the same is hereby approved subject to the following conditions, limitations, additions, and modifications:

1. Development Density

a. The maximum amount of nonresidential floor area shall be approximately 2.5 million square feet. The traffic generation of 2.5 million square feet of mixed use, as proposed, has been determined to be substantially equivalent to that generated by 2.1 million square feet of office development as recommended in the Plan for the Tower Oaks (formerly Westmont)

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tract. The maximum amount of office space shall not exceed 1.985 million gross square feet.

b. Development shall be allocated among seven development areas identified on Exhibit "A" attached as follows:

Area	Use/Mix	Size/Yield
1	Residence Inn (Hotel) and possible recreation facilities	170 units
2	Office	300,000 g.s.f.
3	Office	500,000 g.s.f.*
4	Office Hotel Health and Recreation Facilities	285,000 g.s.f.* 300 rooms 75,000 g.s.f.
5	Office	900,000 g.s.f.*
6	Restaurant	10,000 g.s.f.
7	Residential	275 d.u. or 14.5 d.u. per gross acre

* Includes density transfer approved by Planning Commission, March 7, 1990.

The amount of floor space in each nonresidential development area may be varied by plus or minus 15 percent except Development Area No. 2 which shall not exceed 300,000 gross square feet.

c. The proposed "Standard Methodology for Traffic Impact Assessments" (or similar traffic impact assessment) shall not be applicable to development undertaken in accordance with the approved use mix and overall density shown above and approved development staging as identified on Exhibit "B" attached.

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2. Park and Recreation

a. The five acre park site as identified on Exhibit "C-1" shall become part of the Stream Valley Park to be conveyed to the City pursuant to Paragraph 2.e. herein. The "other floodplain and conservation areas" as identified on Exhibit "C-1" shall be retained in private ownership and placed in an easement in favor of the City in a form acceptable to the City Attorney. Granting of the easements for said conservation areas shall occur in connection with the approval of the Detailed Application for the residential component of the Project. Tower-Dawson may reserve the right to use said easement areas for uses permitted in an approved Detailed Application, provided that Tower-Dawson obtains all required approvals in connection therewith.

b. In making calculations of the open space and landscape area requirements of Section 25-649 of the Zoning and Planning Ordinance, no distinction shall be made between publicly owned space and privately owned space so long as such areas are part of the gross acreage covered by the Concept Plan Application.

c. The residential component shall contain recreation facilities sufficient for the needs of the proposed dwellings. These facilities may be located within public easement areas if approved by the City.

d. Tower-Dawson shall provide a minimum of fifty (50) additional parking spaces for Dogwood Park in/or immediately adjacent to the park at a location acceptable to the City. The

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location of the parking area shall be determined during the Detailed Application stage for the residential component. If the parking is provided within the residential component (Development Area No. 7), this may reduce the dwelling unit yield of the development.

e. (1) Tower-Dawson shall convey land to the City for a public stream valley park along the Cabin John Creek. Said area shall be known as the Stream Valley Park and shall be utilized for non-tidal wetland preservation, interpretive park purposes, possible future stormwater management use in accordance with Paragraph 8 herein, and other appropriate uses, provided that park usage is consistent with any adopted Cabin John Watershed Plan. The area comprising the Stream Valley Park shall include all land within the Cabin John Creek Wetland/100 year floodplain, but in no event shall be less than 12 acres of land, as generally indicated on Exhibit "C-2". Tower-Dawson shall convey without charge to the City, good and marketable fee simple title to the land comprising the Stream Valley Park. However, if conveyance of all or part of the land is to occur at a time when future adjustments in the Park boundaries are likely as a result of potential activity within or surrounding the Park area, then Tower-Dawson may, with the approval of the City (not to be unreasonably withheld, conditioned, or delayed) and on an interim basis, convey all or any portion of the land required for the Stream Valley Park by one or more easements pending a subsequent conveyance of the land in fee. Unless

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otherwise indicated, the terms "Conveyance," "Convey" or "Conveyed," shall include conveyance in fee simple or by easement, as may be appropriate.

(2) The precise boundaries of the Stream Valley Park shall be consistent with the elevation and configuration of the 100 year floodplain, and shall be determined by the City in cooperation with Tower-Dawson in connection with the design of any stormwater management facility to be located within the Park area in accordance with Paragraphs 8.b. or 8.c. herein, or at such time as any parcel adjoining the area of the Stream Valley Park is developed, whichever first occurs. The boundaries so determined shall accommodate any potential stormwater management facility within the Stream Valley Park area and any approved development.

(3) If the City determines to proceed with a public regional Stormwater Management Facility in the Stream Valley Park area pursuant to Paragraph 8.b. herein, the City shall give Tower-Dawson written notification of such determination. After the City receives all permits necessary to construct the public regional Stormwater Management Facility, it shall so notify Tower-Dawson in writing. Tower-Dawson shall thereupon Convey the land comprising the Stream Valley Park to the City within 45 days from the date of notification of receipt of permits.

(4) If, after receiving all necessary approvals, Tower-Dawson constructs a local facility within the Stream Valley Park pursuant to Paragraph 8.c., Tower-Dawson shall Convey the land

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comprising the Stream Valley Park to the City in connection with the design and construction of such local facility.

(5) If, prior to the events in Paragraphs 2.e.(3) and 2.e.(4), Tower-Dawson develops some or all of the parcels adjoining the area of the Stream Valley Park, Tower-Dawson shall, in connection with such development, Convey to the City appropriate portions of the Stream Valley Park adjoining or within each such parcel, or such portions as may be required by the City in order to implement the Park Plan referenced in Paragraph 2.f. herein.

(6) If, following the Conveyance of some or all of the Stream Valley Park area, the 100-year floodplain is increased, decreased, or otherwise modified as a result of subsequent construction or other approved activity within the Stream Valley Park area or as a part of the development of the surrounding area, appropriate conveyances of land (in fee, by easement or release of easement) shall occur between the City and Tower-Dawson, without charge, to adjust the boundaries of the Stream Valley Park to reflect the modified floodplain. Tower-Dawson shall be considered as the contract purchaser from the City for any land previously Conveyed in fee or by easement, which would be subject to reconveyance under this Paragraph 2.e.(6).

(7) With the approval of the City (which approval shall not be unreasonably withheld, conditioned or delayed), Tower-Dawson may reserve rights in the Stream Valley Park or the conservation areas described in Paragraph 2.h., for purposes of:

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construction (including construction of the Stream Valley Park), maintenance, any approved stormwater management, the East Access Road (hereinafter defined), and other purposes needed to accomplish development under the Concept Plan, as amended, and any subsequent approved Detailed Applications, including any amendments thereto.

f. (1) Tower-Dawson shall construct and otherwise implement, at its expense, a wetland preservation and park plan (the "Park Plan") to be designed by the City, in consultation with Tower-Dawson, for and within the Stream Valley Park. Such a Park Plan may include pedestrian paths or trails, such as an elevated boardwalk through the Stream Valley Park, allowing limited and compatible passive recreational use and educational experience by the public in a manner minimizing the damage to environmentally sensitive areas. Any such paths or trails within areas delineated as jurisdictional wetlands must be approved, to the extent required, by the Army Corps of Engineers, the Maryland Department of the Environment, and/or the Maryland Department of Natural Resources. All such paths or trails will be public and maintained by the City.

(2) The specifics of the Park Plan shall accommodate any potential public regional Stormwater Management Facility or local storm water management facility to be located in the Stream Valley Park. Tower-Dawson shall complete construction and implementation of the Park Plan in accordance with a construction schedule approved as a part of the Park Plan. No

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Detailed Application shall be required for construction of the Stream Valley Park pursuant to the Park Plan.

(3) The City shall be responsible for obtaining all permits from the Army Corps of Engineers, the Maryland Department of the Environment and/or the Maryland Department of Natural Resources that may be required for construction of the Stream Valley Park pursuant to the Park Plan. The City may be considered as the contract purchaser of the Stream Valley Park for this purpose. Tower-Dawson shall be responsible for obtaining all permits from the City, and posting related bonds or other security therefor, that are necessary for construction of the Park Plan.

g. Tower-Dawson shall construct or otherwise provide for pedestrian/walking trails linking the Stream Valley Park with Dogwood Park, and linking the Stream Valley Park with the Residential component of the Project if required by any applicable Detailed Application. Tower-Dawson shall maintain the portion of said linking trails located outside of any public park and any easement area.

h. (1) Tower-Dawson shall establish a conservation area around the Stream Valley Park to serve as a buffer area and as a transition between developed and undeveloped areas, and to preserve the character of mixed habitats and forest interior qualities. The boundaries of the conservation area shall be determined in connection with the determination of the boundaries of the Stream Valley Park, and/or development of parcels adjoining the Stream

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Valley Park, and giving consideration to the topography of the area.

(2) The conservation area may be designated and protected by conservation easements or by conveyance in fee simple to the City, at the option of the City. The conservation area may or may not become part of the Stream Valley Park, at the option of the City.

(3) The location, size and configuration of the conservation area shall be determined in conjunction with the review and approval of the Detailed Application for each parcel adjoining the Stream Valley Park.

(4) Paths or trails in the Stream Valley park may continue in and through the conservation area, and shall be maintained by the City.

(5) Tower-Dawson shall provide for general maintenance of said conservation area, excluding any trails or paths, unless and until, the conservation area is conveyed in fee simple to the City.

i. The City shall be responsible for maintaining the Stream Valley Park, including its related facilities constructed pursuant to the Park Plan and, if conveyed to the City in fee simple, the conservation area. However, Tower-Dawson may, at its own expense and with the approval of the City, provide for additional general maintenance of the Stream Valley Park, including the area surrounding any public regional Stormwater Management

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Facility. Said general maintenance may include removal of trash and fallen or damaged brush, trees and other natural materials. Tower-Dawson shall be responsible for its negligence in the maintenance of the Stream Valley Park.

3. Water and Sewer Systems

a. The City will be responsible for any relocation and capacity augmentation of the existing Cabin John Trunk Sewer. Such relocation will be coordinated with Tower-Dawson which will provide, at no cost to the City, appropriate easements for the relocation, operation and maintenance of the sewer.

b. Any other modifications to existing facilities necessitated as a result of Tower-Dawson activities will be the full responsibility of Tower-Dawson for design and construction.

c. All extensions or relocation of utility services to serve the Project on the subject property will be the full responsibility of Tower-Dawson. If the City desires to upgrade the utility services to the Project on the subject property, the City will pay the proportionate costs for such upgrades based on the ratio of the cross-sectional areas of the pipe size required to serve Tower-Dawson and the pipe size actually installed, as determined by the City.

d. Tower-Dawson shall be responsible for a proportionate share of all costs associated with the installation (including engineering costs) of a 24" water main in Wootton Parkway (formerly Ritchie Parkway) within the boundary of the

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subject property in accordance with the agreement between the City and Tower-Dawson dated March 18, 1993, a copy of which is attached hereto as Exhibit "D".

4. Roads and Access

a. Wootton Parkway (formerly Ritchie Parkway)

(1) All necessary rights-of-way and easements for construction, slopes, drainage, and utilities have been or shall be dedicated by Tower-Dawson.

(2) Tower-Dawson and the City have executed an agreement dated March 18, 1993 whereby Tower-Dawson will pay the full cost of improvements, including Upgrades, through the subject property, a copy of which agreement is attached hereto as Exhibit "D."

b. Tower Oaks Boulevard (formerly South Access Road)

(1) Pursuant to Resolution No. 25-87, Tower-Dawson has designed and constructed Tower Oaks Boulevard (formerly the South Access Road) in the locations shown in the Concept Plan, as amended, as generally shown in Exhibit "E" attached hereto including modifications to Monroe Street, including streetlights, landscaping, and any future traffic signals.

(2) Pursuant to Resolution No. 25-87, the City has provided, at no cost to Tower-Dawson, necessary right-of-way for Tower Oaks Boulevard (formerly the South Access Road) over the former City owned stormwater management facility located north of Montrose Road.

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(3) Pursuant to Resolution No. 25-87, improvements to the Montrose Road/I-270 interchange and the connection to Tower Oaks Boulevard (formerly the South Access Road) have been constructed by Tower-Dawson in accordance with its obligations under the agreement dated October 13, 1986, among Tower-Dawson, the State Highway Administration, Montgomery County, Fortune Parc Development Corporation, Key Development Corporation, and Snowden River Corporation.

c. East Access Road

(1) Tower-Dawson shall be responsible for the design and construction of the East Access Road. The interior location of the East Access Road is unspecified between Wootton Parkway (formerly Ritchie Parkway) and the area of the East Access Road as it crosses Cabin John Creek (the "Dam Site"). The East Access Road shall provide two means of access to Development Area 5. The final location of the East Access Road will be determined during the Detailed Application(s) stage.

(2) The East Access Road will be a private road built to City standards, and Tower-Dawson will provide to the City an easement, without charge, across such portion thereof as the City may require to allow access for construction, reconstruction, operation and maintenance and use of the Stream Valley Park, sanitary sewer facilities, any public regional Stormwater Management Facility, and/or passive public recreational facilities within the Project. This action shall not preclude, at some future

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time, dedication of the East Access Road as a public road without modification to the Concept Plan, as amended.

(3) The City shall grant to Tower-Dawson (or Tower-Dawson may reserve) any easement across the Stream Valley Park as may be necessary for the East Access Road and related construction activities, provided that prior to construction of said road, Tower-Dawson receives all necessary approvals from the Army Corps of Engineers, Maryland Department of the Environment, and/or the Maryland Department of Natural Resources.

d. Residential Access

Vehicular access to the residential development area shall be via Tower Oaks Boulevard (formerly the South Access Road), north of Wootton Parkway (formerly Ritchie Parkway). The need for an emergency only access way through Dogwood Park shall be determined by the City during review of the Detailed Application for the residential development area.

e. Other Off-Site Roads and Road Improvements

Tower-Dawson will not be responsible for off-site improvements other than those specifically named herein so long as development and staging occur as specified in this resolution.

5. Buildings

The Mayor and Council shall retain approval authority of schematic building designs (without the need for further public hearing) prior to submission of Detailed Applications, and such approval shall be deemed part of the Concept Plan, as amended.

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Schematic plans shall include the placement of the building or buildings on the site and its relationship to the site components; and vertical section and rough elevation to show approximate height, bulk, and massing. The maximum building height for each development area shall be as follows:

Area	Proposed Use	Maximum Height
1	Residence Inn	35'
2	Office	125'
3	Office	125'
4	Office, hotel Health and recreation facility	125' 125'
5	Office	125'
6	Restaurant	Not Specified
7	Residential	5 stories

6. Waiver and Modifications

The following waivers and modifications to normal O-3 Zone development standards and sign requirements are authorized:

a. Development Standards

(1) Minimum Lot Area - Lots of less than five acres, but not less than one acre are permitted.

(2) Maximum Lot Coverage - Maximum coverage, including parking structures, of up to 90 percent will be permitted for individual lots, provided that the average lot coverage for the entire development does not exceed 30 percent.

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(3) Floor Area Ratio - The maximum floor area ratio (F.A.R.) for all nonresidential uses shall be .30 computed on the basis of gross area covered by the Concept Plan Application. Individual lots or development sites may exceed that ratio so long as the overall F.A.R. of .30 for all nonresidential development is not exceeded.

(4) Minimum Setback Requirements - Normal minimum 0-3 Zone setback requirements are waived except for the "Limitations on Setbacks for Nonresidential Uses" contained in Section 25-646 of the Zoning and Planning Ordinance.

(5) Minimum Lot Width - Lot width requirements of the 0-3 Zone shall be reduced to a minimum of 100 feet at the front lot line and a minimum of 200 feet average lot width.

b. Sign Requirements applicable to signs in the 0-3 Zone for size, height, location, and content are waived. A comprehensive sign design package for the entire development shall be subject to the review and approval of the Sign Review Board.

7. Design Guidelines - Specific guidelines for unified lighting (exclusive of public street lights) and landscaping concepts in the Preliminary Guidelines contained in the Concept Plan Application are acceptable. Subsequent Detailed Applications shall be generally consistent with the Preliminary Guidelines subject to final approval in the Detailed Applications.

Resolution No. 21-93 -20-

8. Storm Water Management

a. Tower-Dawson shall provide for stormwater management in connection with its development of the Project under the approved Concept Plan, as amended, in accordance with all laws, rules, and regulations applicable at the time of development. Except as may otherwise be approved by the City in its sole discretion, water quality control shall be provided by Tower-Dawson on site in connection with each stage of development. Water quantity control shall be provided in one or more facilities to be determined through technical analysis of the Cabin John watershed (The Cabin John Watershed Study) and Cabin John Watershed Plan when adopted.

b. (1) If, following the completion of the Cabin John Watershed Study, the City decides to construct a public regional Stormwater Management Facility ("Facility") in the Stream Valley Park to replace all or part of the stormwater management function of the Cabin John Lake that was a part of Concept Plan No. CPD-1-85 as approved by Resolution No. 25-87, Tower-Dawson must use such public regional Stormwater Management Facility for the management of stormwater run-off generated by the Project. In such case, Tower-Dawson shall satisfy its stormwater management obligations by paying its share of the cost of the Facility as provided by Paragraph 8.b.(2), which share shall equal the total waiver payments-in-lieu of on-site water quantity control for the entire Project, plus the cost of any necessary Upgrades (as defined in

Resolution No. 21-93 -21-

Exhibit "F" attached hereto) to the Facility. The term "public regional Stormwater Management Facility" or "Facility" shall include any related dam that may be necessary and other necessary appurtenances.

(2) Tower-Dawson shall pay its share of the cost of any such Facility and pay all cost of the Upgrades to the Facility pursuant to an agreement to be entered between Tower-Dawson and the City. Said agreement shall be entered into prior to the selection by the City of a consultant to design the Facility and shall contain the provisions set forth in Exhibit "F" attached hereto, the final form of which agreement shall be subject to the approval of the City Attorney. In no event, however, shall the City be required to accept any payment prior to approval of construction funding for the Facility as a Capital Improvement Project and receipt by the City of all necessary permits for the construction of the Facility.

Tower-Dawson shall not receive any credit toward the payment obligation in this Paragraph 8.b. for either the land Conveyed for the Stream Valley Park or the value of any easements granted to the City or the public, including conservation easements, or for any costs incurred for past designs relating to the formerly proposed Cabin John Lake and Dam.

(3) Except as otherwise herein provided, the City shall be responsible, in consultation with Tower-Dawson, for designing and obtaining permits for construction of the Facility.

Resolution No. 21-93 -22-

Tower-Dawson shall, without charge, allow the City full and complete use of all drawings, documents, studies, analysis and other materials and information prepared on behalf of Tower-Dawson in connection with the formerly proposed Cabin John Lake and Dam.

(4) The City shall be responsible for all maintenance of, and all structural and functional repairs to, the Facility. Tower-Dawson may, at its expense, provide for additional general maintenance around the Facility in accordance with Paragraph 2.i. hereof.

The City shall be responsible for all liability associated with, arising out of, or resulting from, the design, construction, use, maintenance, repair and operation of any public regional Stormwater Management Facility, except that Tower-Dawson shall be responsible for its negligence in any of its own maintenance of, or around, the Facility.

c. (1) If the City: (i) decides not to construct a public regional Stormwater Management Facility within the Stream Valley Park; or (ii) within two (2) years after the Cabin John Watershed Study is submitted to the City, has not decided whether or not to construct a public regional Stormwater Management Facility within the Stream Valley Park, then Tower-Dawson may construct a local stormwater management facility within the Stream Valley Park to serve the development of all or a portion of the Project, provided that the construction of such a local facility is approved by the City and has received all necessary approvals from

Resolution No. 21-93 -23-

the Army Corps of Engineers, the Maryland Department of the Environment and/or the Maryland Department of Natural Resources. The construction of such local facility shall not preclude: (i) its subsequent expansion or reconstruction by the City as a public regional Stormwater Management Facility; or (ii) full public access to, and use of, the Stream Valley Park, including the area on which such local facility is located, but without impairing the operation or safety of such facility.

(2) The design and construction of any local stormwater management facility shall be approved by the City and be subject to all laws, rules, and regulations applicable to private stormwater management facilities, including bonding requirements.

(3) The City shall grant, upon request, an easement to Tower-Dawson for the construction and maintenance of the private facility, if such an easement has not previously been retained by Tower-Dawson.

(4) Tower-Dawson shall provide for the maintenance of any approved local stormwater management facility at its cost, in perpetuity, along with the maintenance of any landscaping, appurtenances, pathways, and amenities located within the easement area in which the facility is located; unless such local facility is converted to a public regional Stormwater Management Facility, in which case the City and Tower-Dawson shall enter into an agreement providing for the City to undertake all maintenance responsibilities as provided in Paragraph 8.b.(4).

Resolution No. 21-93 -24-

d. Development of the Project pursuant to this Concept Plan, as amended, may proceed before final determination as to what, if any, stormwater management facility is to be located in the Stream Valley Park or prior to the construction of any said Facility. However, in such event, Tower-Dawson must, as may be required by the City, either: (i) provide stormwater quantity control on-site, including use of an approved local Stormwater Management Facility in the area of the Stream Valley Park or elsewhere within the Project area, on either a temporary or permanent basis, in accordance with then-current City requirements including bonding and permitting requirements; or (ii) provide for appropriate reservation of land for stormwater quantity control, subject to such conditions, including bonding or other security, as may be required by the City. At its option, Tower-Dawson may either participate in any future public regional Stormwater Management Facility serving the Cabin John drainage area or retain any on-site stormwater management facilities previously constructed pursuant to Paragraph 8.d.(i), provided that the City shall have the right upon receipt of all necessary approvals, to convert any local stormwater management facility located within the Stream Valley Park into a public regional Stormwater Management Facility. Water quality control shall be provided on-site in accordance with Paragraph 8.a. hereof.

e. If no stormwater management facility is permitted in the Stream Valley Park, Tower-Dawson must accommodate stormwater

Resolution No. 21-93 -25-

quantity control, along with stormwater quality control, on site within the Project area, in accordance with the then-current City requirements, including bonding and permitting requirements.

f. Pursuant to Resolution No. 25-87, the City has abandoned the storm water management facility as shown on Exhibit "G" at Montrose Road in conjunction with Tower-Dawson's construction of Tower Oaks Boulevard (formerly the South Access Road). Tower-Dawson has restored, to its natural state, and has landscaped the area of the abandoned facility in accordance with a design plan approved by the City.

9. Annexation of State Highway Administration Property

Pursuant to Resolution No. 25-87, Tower-Dawson has annexed into the City property owned by the State Highway Administration, and shown on Exhibit "H" attached hereto.

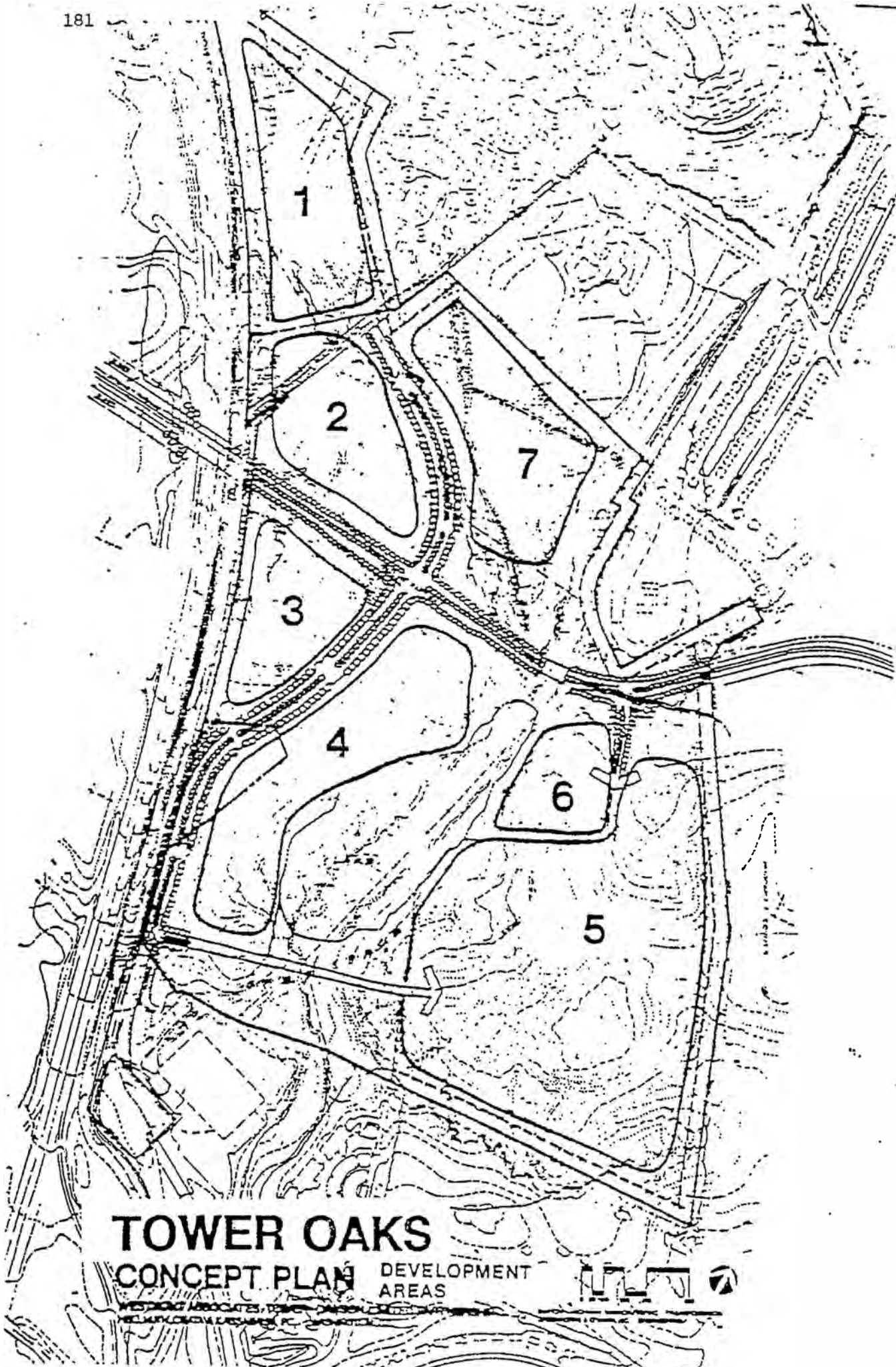
10. Forest and Tree Preservation.

Prior to, or along with, submission of the next Detailed Application, Tower-Dawson shall prepare and submit to the City a Forest Stand Delineation in accordance with the City's Forest and Tree Preservation Ordinance for all undeveloped portions of the Project.

* * * * *

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 September 27, 1993.

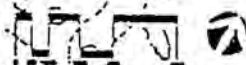
Paula S. Jewell
City Clerk



TOWER OAKS

CONCEPT PLAN DEVELOPMENT AREAS

WESTINGHOUSE ASSOCIATES, INC. ENGINEERS AND ARCHITECTS



**Development Staging
Assumptions and Triggering Mechanisms**

Exhibit "B"

Basic Assumptions

**Plan Adoption
Ritchie Parkway Authorization**

<u>Stage</u>	<u>Assumption</u>	<u>Trigger</u>
I	This stage would permit between 400,000 and 800,000 sq ft of floor area subject to the following event(s):	
Up to 400,000 S.F.*	1. Widening of Montrose Road between Old Bridge Road and the Montrose/I-270 Bridge (Item 5, Table 13).	Construction of building may commence with the letting of contracts for the work in Assumption 1.2 A3.
	2. Extension of Monroe Street into the planning area.	Occupancy permits shall not be issued until the improvements in Assumptions 1, 2 & 3 are substantially completed.
	3. Construction of the road improvements shown "A" Map 11 (Annexed).	
Up to 800,000 S.F.*	4. Extension of Ritchie Parkway from Seven Locks Road to the planning area.	Construction of building may commence with let of contracts for the work in Assumption 4.
	5. If a connection is made from Ritchie Parkway to Montrose Road via Monroe Street, then all of the improvements in Paragraphs 1, 2 and 3 above become a part of this assumption.	Occupancy permits shall not be issued until the improvements in Assumption 4 are substantially completed.
	NOTE: Access for construction of buildings shall not be via the existing intersections of Montrose Road with Monroe Street and with Farm Haven Drive.	
II	1. Completion of Ritchie Parkway from the planning area to Route 335.	Completion of applicable requirements from prior stages. Contracts awarded for work in Assumptions 1 & 2.
Up to 1.2 million S.F.	2. Unprogrammed improvement 3a.***	
III	1. Falls Road Interchange	Completion of applicable requirements from prior stages. Construction of buildings may commence when 50% of the amount of the construction contract for work in Assumption 1 has been disbursed. Contract award for work in Assumption 2.
Up to 1.6 million S.F.	2. Unprogrammed improvements 1, 2, 3b**, 3c, 4.	
IV	1. Direct access ramp Montrose/I-270 interchange (Item 7, Table 13). (The final configuration of the Montrose interchange and direct access ramp will determine the extent of additional development beyond 1.6 million S.F.) This determination will be made at the time that design of the direct access ramp is approved.	Completion of applicable requirements from prior stages. Improvements substantially completed.
Up to 2.1 million S.F.****	2. The developer shall provide to the City a traffic analysis of the project and the roadway serving the project, using methods approved by the City. The analysis shall determine the relationship between projected and actual traffic conditions, and the effect of that traffic on the capacity of in-place and planned road improvements, and identify actions which the City can take to alleviate any problems which may exist without altering the development density approved in the plan or denying use permits therefore. Provided further, however, that at the time use permits are granted for any square footage exceeding 1.3 million square feet, the City may require dedication of easels rights of way or reasonable contributions for traffic engineering improvements on or immediately adjacent to the site under two conditions: 1) that traffic problems have arisen; and 2) traffic generation (trips) from the planning area exceed those anticipated under the Plan.	

** Item 3b may be omitted if Item 7 is built.

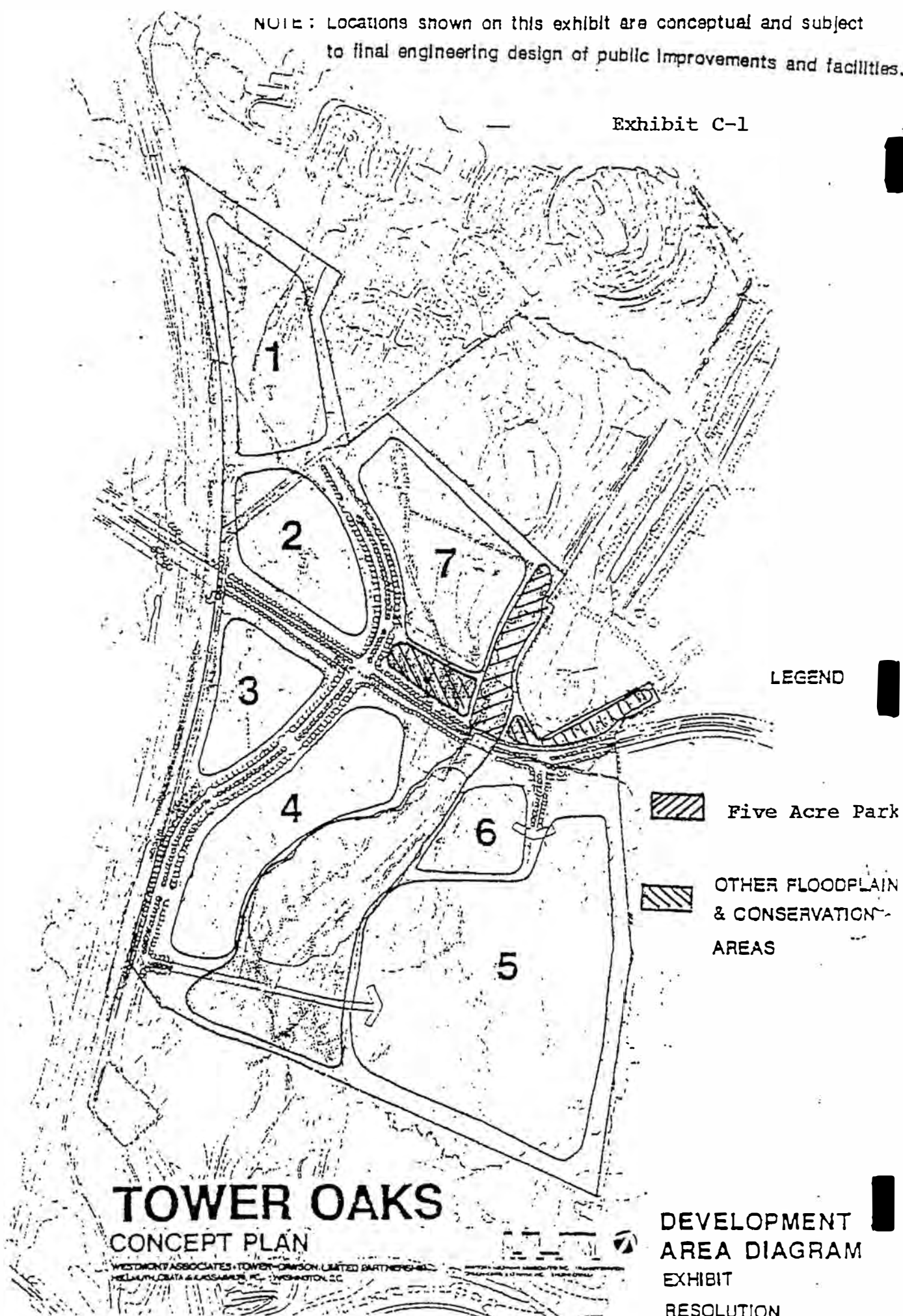
*** Refer to Table 13, page 9-20 for more detail.

**** Within the range of error of estimate (±) up to 2.2 million square feet could be accommodated. This will be subject to Assumption 2 of Stage IV.

NOTE: If the Falls Road Interchange is not begun by stage III, but Monroe Street is relocated to connect directly to a modified Montrose Road/I-270 Interchange, then between 1.3 and 1.7 million square feet may be authorized by the Planning Commission as it may reasonably determine. As an incentive to the Owner, in the event a modified Monroe Street and Montrose/I-270 interchange can be implemented during stages I, II or III, then the Planning Commission may reevaluate the amount of square footage in stages I, II, III, & IV.

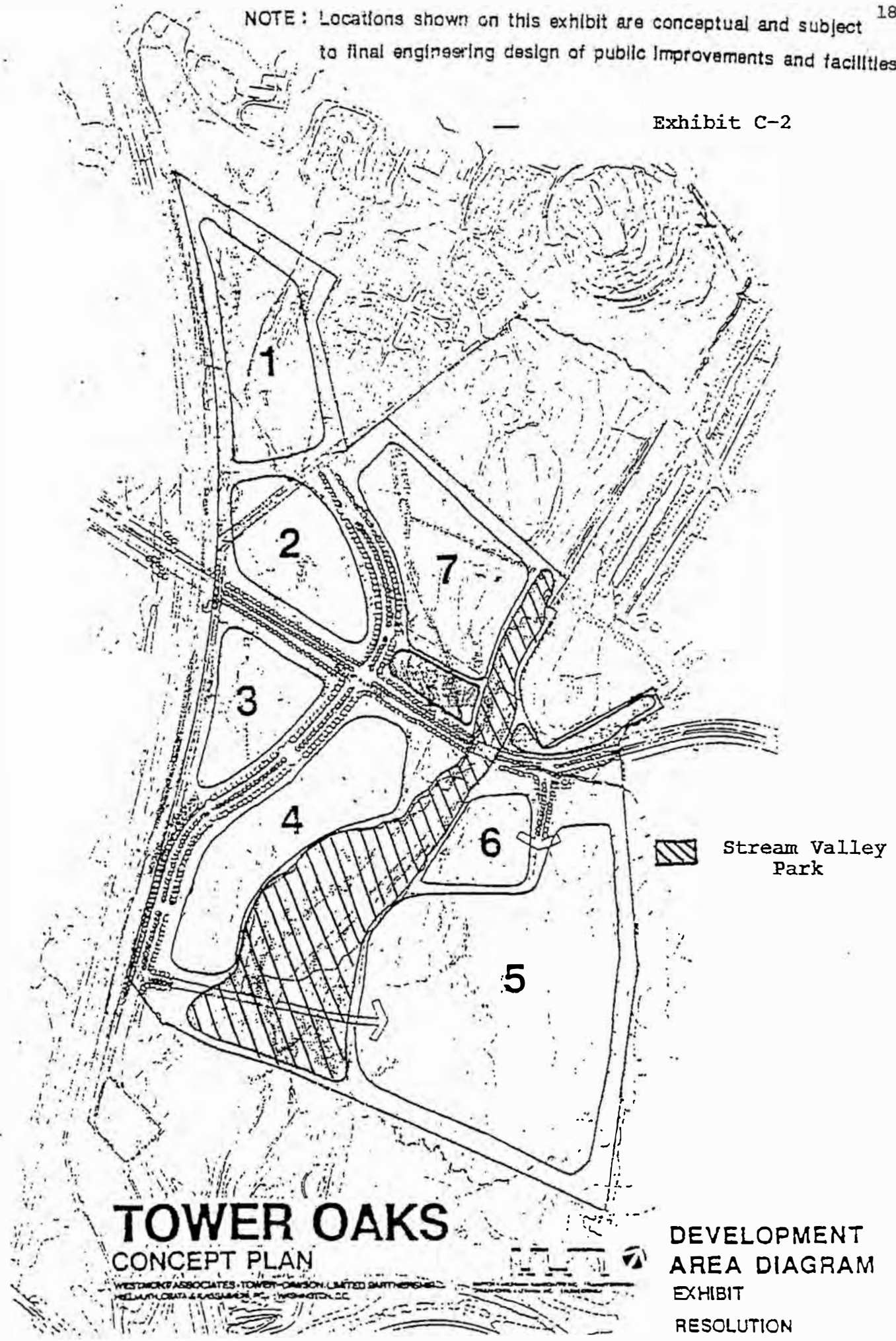
NOTE: Locations shown on this exhibit are conceptual and subject to final engineering design of public improvements and facilities.

Exhibit C-1



NOTE: Locations shown on this exhibit are conceptual and subject to final engineering design of public improvements and facilities.

Exhibit C-2



ASSESSMENT AGREEMENT -- WOOTTON PARKWAY

This Agreement made this 18th day of MARCH, 1993, by and between the Mayor and Council of Rockville, Maryland, a municipal corporation of the State of Maryland, hereinafter referred to as the "City", and Tower-Dawson Limited Partnership, a Maryland Limited Partnership, hereinafter referred to as "Tower-Dawson".

WITNESSETH:

WHEREAS, Tower-Dawson is the owner of a certain tract of land comprising 192 acres, more or less, known as the "Tower Oaks Tract" located east of Interstate 270, north and west of the Woodmont Country Club, Inc., and south of New Mark Commons, as more particularly described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the "Subject Property"; and

WHEREAS, Tower-Dawson filed Concept Plan Application CPD-1-85 requesting approval of a Concept Plan application for a comprehensive planned development on the Subject Property in accordance with the plans submitted under the 0-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, the aforesaid Concept Plan provides, inter alia for the construction of Ritchie Parkway, now called "Wootton Parkway", through and across the Subject Property; and

WHEREAS, the Mayor and Council has adopted Resolution No. 25-87 approving the Concept Plan application for the Subject Property, subject to certain conditions, limitations, additions and modifications, including, but not limited to, the dedication by Tower-Dawson of the necessary rights-of-way and related easements for that part of Ritchie Parkway (Wootton Parkway) which crosses through the Subject Property; and

WHEREAS, Tower-Dawson has agreed to dedicate all necessary rights-of-way and related easements for Ritchie Parkway (Wootton Parkway); and

WHEREAS, Tower-Dawson has also agreed to pay the cost of Ritchie Parkway (Wootton Parkway) through the Subject Property as more particularly hereinafter described; and

WHEREAS, the aforesaid Concept Plan application approval required, inter alia, that an agreement be entered into between Tower-Dawson and the City providing for the payment of the cost of Ritchie Parkway (Wootton Parkway) through and across the Subject Property.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The City has designed and constructed a four lane roadway and related appurtenances through and across the Subject Property, which roadway was originally designated "Ritchie Parkway" and subsequently renamed "Wootton Parkway." For purposes of this Agreement said roadway shall be referred to as "Wootton Parkway." As part of the design and construction of Wootton Parkway, the City will in the future design and install, construct, or otherwise implement wetland mitigation measures as required by the Maryland Department of the Environment and/or the U. S. Army Corps of Engineers as a result of the wetlands permitting process.

2. (a) Tower-Dawson's financial contribution to the cost of the design and construction of Wootton Parkway will be in the amount of the special benefit assessment(s) applied to the Subject Property. Tower-Dawson understands that the total cost of the design and construction of Wootton Parkway and related appurtenances including wetland mitigation measures, has not been determined, and that Tower-Dawson's share of those costs will be determined over a period of time in accordance with the formula described herein and shall be levied as special benefit assessment(s) against the Subject Property.

(b) Tower-Dawson on behalf of itself, its successors and assigns, hereby agrees, covenants, and acknowledges that the Subject Property is specially benefitted, and will be specially benefitted, in an amount equal to or greater than the various special benefit assessment(s) that may be levied by the Mayor and Council of Rockville as calculated pursuant to the formula described herein.

3. (a) The special assessment(s) against the Subject Property shall be the sum of (1) the average cost per front foot for Base Wootton Parkway (as defined below) multiplied by the front foot length of Base Wootton Parkway that lies within the boundaries of the Subject Property, and (2) the cost for the Upgrades (as defined below) for that portion of Wootton Parkway that lies within the boundaries of the Subject Property, and (3) an agreed portion of the cost of the water main installed beneath the surface of Wootton Parkway that lies within the boundaries of the Subject Property, as set forth below.

(b) Base Wootton Parkway - For purposes of this Agreement, Base Wootton Parkway shall mean a four lane roadway and appurtenances thereto (including but not limited to, turning lanes, median strips and traffic control measures) constructed from the centerline of the intersection of Seven Locks Road to the west right-of-way line of Rockville Pike, but excluding that portion of the cost of the bridge over Interstate 270 (including its approaches and appurtenances) not paid for by the City. Base

Wootton Parkway also includes the costs for landscaping, streetlights, construction interest, and wetland mitigation (including the cost or value of land and interests in land acquired for wetland mitigation). Base Wootton Parkway does not include either (1) items funded by federal and state governments or (2) the costs for land acquisition, other than land and interests in land acquired for wetland mitigation.

(c) Upgrades include:

(1) those items set forth on Exhibit "D-2" to Resolution No. 25-87, a copy of which is attached hereto as Exhibit "B". Tower-Dawson shall pay one hundred percent (100%) of the costs of the Upgrades shown as the striped areas on Exhibit "D-2" and shall pay fifty percent (50%) of the costs of the Upgrades as shown on the cross-hatched area of Exhibit "D-2".

(2) 100% of the cost of the acceleration lane, from southbound Tower Oaks Boulevard onto Westbound Wootton Parkway, constructed at Tower-Dawson's request adjacent to the Subject Property.

(3) 100% of the cost of the culvert crossing for the East Access Road, as described in Resolution No. 25-87, if such culvert is subsequently approved by the Mayor and Council and built by the City as requested by Tower-Dawson.

(d) Water Main. Tower-Dawson shall pay Seventy-Four Thousand, Two Hundred Twenty-Six Dollars and Ninety-Three Cents (\$74,226.93) which represents an agreed upon percentage of the average cost per front foot for the water main lying within the entire length of Wootton Parkway, multiplied by the front foot length of the water main that lies within the boundaries of the Subject Property.

4. Tower-Dawson hereby consents to the foregoing special benefit assessment(s) against the Subject Property and waives all legal requirements for a public hearing and notice thereof in connection with the above described assessment(s) and will not contest the levy of the assessment(s) on the Subject Property, or protest, file an appeal or commence any litigation challenging the special assessment(s) resulting from the construction of Wootton Parkway provided the same is consistent with this Agreement.

5. The special benefit assessment(s) described herein may be reallocated by Tower-Dawson to individual parcels of the Subject Property, only with the City's prior written consent, which consent shall not be unreasonably withheld. Such consent shall not be effective as to the City until a written agreement executed by the parties, or their successors and assigns, is recorded among the Land Records of Montgomery County, Maryland. From and after the date of recordation of any such written agreement, each individual parcel of land of the Subject Property shall bear the portion of the special benefit assessment(s) as shall be allocated to it in

said written agreement, and a default in the payment of the portion of the special benefit assessment(s) allocated to any such individual parcel shall not give rise to a default with respect to any other individual parcel nor affect the ownership of and title to any other individual parcel.

6. (a) Tower-Dawson's assessment for the water main is expected to be in the amount of Seventy-Four Thousand, Two Hundred Twenty-Six Dollars and Ninety-three Cents (\$74,226.93). The first assessment to be levied pursuant hereto for Base Wootton Parkway plus the Upgrades is expected to be in the total amount of Three Million, Fifty-Seven Thousand, Eight Hundred Sixteen Dollars and Sixty-nine Cents (\$3,057,816.69). These assessments shall be payable by Tower-Dawson (i) upon levy of such assessment or (ii) over a period of twenty (20) years at an annual interest rate of 6.19%, as set by the Mayor and Council, subject to such additional interest and penalty charges applicable to assessments that are overdue and in arrears.

(b) Subsequent assessments levied pursuant hereto shall be payable by Tower-Dawson (i) upon levy of any such assessment or (ii) over a period of at least ten (10) years or such longer period of time as will relate to the term of the bonds issued to fund such future construction work as may be set by the Mayor and Council under such rates and other terms and conditions that may be set by the Mayor and Council. In the event that Tower-Dawson elects to pay the assessment in installments over a period of time after the assessment is levied, the assessment to be paid by Tower-Dawson shall include the financing charges incurred by the City in connection with financing the costs for the construction giving rise to the special assessment.

7. The City hereby acknowledges that there is presently due to Tower-Dawson the amount of Eight Thousand Five Hundred (\$8500.00) Dollars, which represents costs incurred by Tower-Dawson for the benefit of the City generally and the Wootton Parkway construction specifically, for engineering studies and soils analyses relative to analysis of wetlands, wetlands mitigation, mitigation areas and water quality, all of which were related to and instrumental in the expedited approval from the U. S. Army Corps of Engineers and the State of Maryland of the permits necessary to allow construction of Wootton Parkway. The City shall pay, reasonably promptly, the aforesaid amount to Tower-Dawson upon written request therefor. The City shall also either make direct payment for, or credit against the total assessment payment or, if paid over a period of time, the assessment payment for the year or years in which such costs are expended, the value of land or interests in land, other than the right-of-way for Wootton Parkway, which is provided to the City by Tower-Dawson in the future for facilities related to or required by the construction of, or permits for, said Wootton Parkway, unless the parties agree otherwise. The amount of any such credit(s) or payment(s) shall be considered as part of the overall cost of Base Wootton Parkway as set forth in Paragraph 3 of this Agreement.

8. The City represents that to the best of its knowledge, information and belief, the assessments under this Agreement in excess of the amounts set forth in Paragraph 6 above will only deal with wetlands mitigation (including the cost or value of land and interests in land acquired for wetlands mitigation) and the culvert crossing for the East Access Road.

9. This Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall be a covenant running with the land of the Subject Property.

10. The assessment levied and to be levied pursuant to this Agreement shall be a lien against the Subject Property in the same manner as ad valorem real estate taxes. However, Tower-Dawson Limited Partnership, any of its partners, and any heirs, successors or assigns of any of them shall not be held personally liable for the payment of all or any part of said assessment.

11. This Agreement and any modification or amendment to this Agreement must be in writing and duly executed by all parties hereto and recorded among the Land Records of Montgomery County, Maryland to be effective.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this 18th day of MARCH, 1993.

ATTEST:

THE MAYOR AND COUNCIL OF ROCKVILLE

Sharon A. Gran
Sharon A. Gran, City Clerk

BY: Bruce Romer
Bruce Romer, City Manager

TOWER-DAWSON LIMITED PARTNERSHIP, a
Maryland Limited Partnership

By: Dawson Development Company Limited
Partnership, its General Partner

Kendra R. Edwards
Witness

BY: Albert Abramson
Albert Abramson, General Partner

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this 29th day of March, 1993, before me, the undersigned officer, personally appeared Bruce Romer who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, Maryland, a municipal corporation, and that he as such City Manager being authorized so to do, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, by signing the name of the corporation by himself as City Manager.

In witness whereof, I hereunto set my hand and official seal.

Anita A. McCombs
Anita A. McCombs Notary Public

My Commission Expires:

10-17-94

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY

I hereby certify that on this 18th day of March, 1993, before me, the undersigned officer, personally appeared Albert Abramson, who acknowledged himself to be the general partner of Dawson Development Company Limited Partnership, a Maryland limited partnership which is the general partner of Tower-Dawson Limited Partnership, a Maryland limited partnership, and that he being authorized so to do, executed the foregoing instrument on behalf of the partnerships for the purposes therein contained, by signing the name of the partnerships by himself as said general partner.

In witness whereof, I hereunto set my hand and official seal.

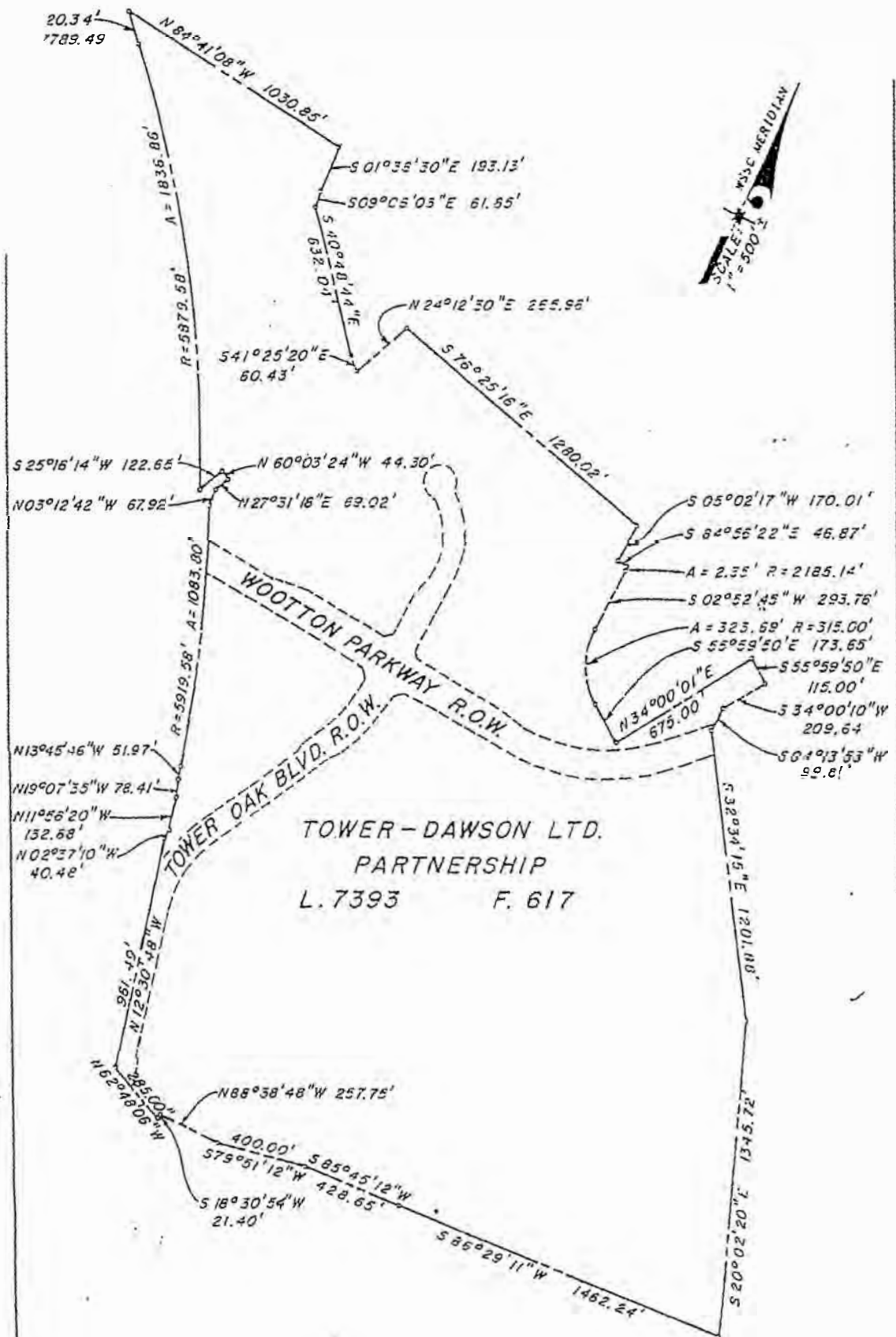
Linda R. Edwards

Notary Public

My Commission Expires:

August 29, 1993

031793
assagt9
6609003



SCALE: 1" = 500' ±

Exhibit "A"

© LATEST

**TOWER OAKS
EXHIBIT "A"**



GREENHORNE & O'MARA
15029 SHADY GROVE ROAD,
ROCKY HILL, MARYLAND 208
(301) 724-3529

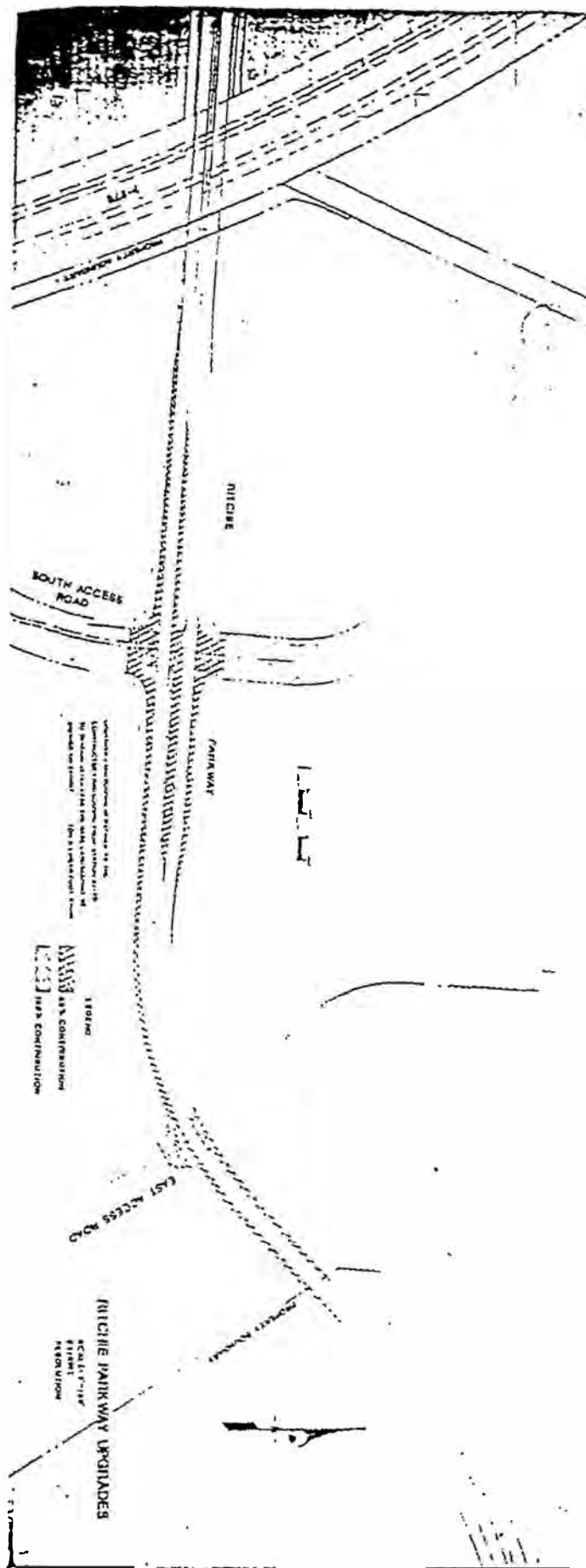
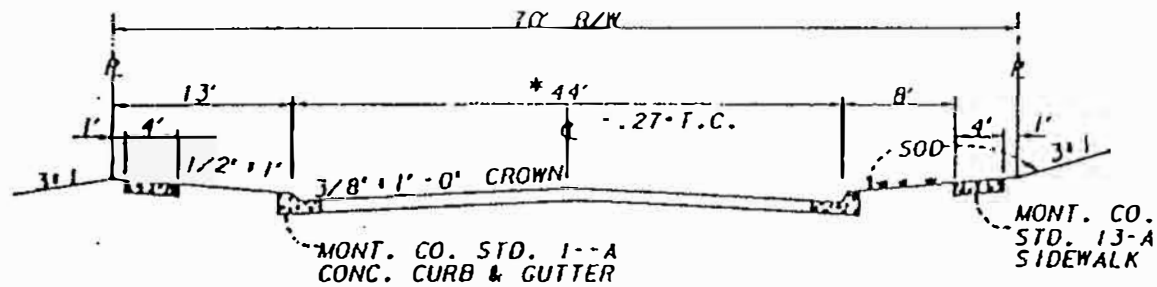


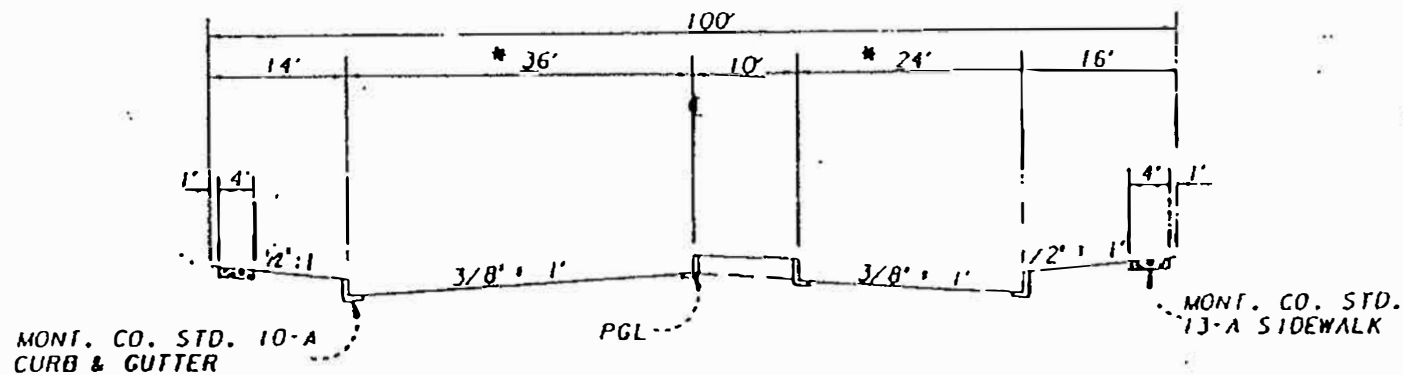
Exhibit "B"

Exhibit "E"



TYPICAL PAVING SECTION 70' R/W

NO SCALE



TYPICAL PAVING SECTION 100' R/W

NO SCALE

NOTE: * Lane width varies for right and left turn lanes

**SOUTH ACCESS ROAD
TYPICAL CROSS-SECTIONS**

EXHIBIT "F"

Outline Agreement for Future Financing
Agreement between the Applicant and the City
for the Cost of a
Public Regional Stormwater Management Facility

1. This document (the "Outline Agreement") shall constitute the outline of a Financing Agreement to be entered between the Applicant and the City with respect to payment of the Applicant's contributions toward the cost of construction of a public regional Stormwater Management Facility and related dam and other appurtenances (the "Facility"), which Financing Agreement shall be entered into prior to the selection by the City of a consultant to design the Facility, and shall be in a form recordable among the Land Records of Montgomery County, Maryland (the "Financing Agreement") and be a covenant running against the land.

2. Construction of the Facility in accordance with the design provided by the City will be financed and undertaken by the City.

3. Applicant will make a financial contribution to the construction of the Facility in amounts calculated as set forth herein.

4. Applicant will be responsible for its pro rata share of the cost of the Facility without Upgrades (Upgrades are defined in Paragraph 5 herein), (the "Base Facility") in an amount equal to its normal Stormwater Management Fund contribution, calculated as set forth herein (the "Fund Component"). Applicant will also be responsible for the cost of the Upgrades to the Facility

calculated as set forth herein (the "Upgrades Component").

Payment of the Fund Component and the Upgrades Component will be made pursuant to the Financing Agreement, which Financing Agreement will set forth the method of payment in accordance with the parameters of this Outline Agreement.

5. Upgrades Defined.

(a) All features incorporated in the design of any public regional Stormwater Management Facility at the request of Applicant shall be considered as Upgrades, and must be coordinated with, and approved by, the City. Applicant shall be responsible for all costs associated with the Upgrades, including, but not limited to, design and construction. Upgrades shall include, but not be limited to, landscaping (in addition to that provided in the City's design) in accordance with a plan approved by the City and the Maryland Water Resources Administration, and any features or modifications required by the East Access Road (including, but not limited to, expansion or alteration of any related dam and changes to emergency spillway requirements).

(b) The following items shall not be considered as Upgrades:

(1) wetlands determination and permitting needed for construction of any public regional Stormwater Management Facility, unless and to the extent that the cost of such determination and permitting is increased by other Upgrades requested by Applicant;

(2) wetlands mitigation or other measures to accommodate the wetlands impact of the public regional Stormwater Management Facility, excluding additional wetlands mitigation or accommodations required by other Upgrades;

(3) changes that are made in the design or the construction of the public regional Stormwater Management Facility that may be required by agencies or authorities with jurisdiction over said design and construction, excluding any changes in other Upgrades requested by Applicant.

(4) Measures required to accommodate quantity control for stormwater runoff from the Project.

(c) In order for Upgrades to be included in the design of the Facility, Applicant must provide a description of the proposed Upgrades to the City in a timely manner prior to the City's selection of a consultant to design the Facility, so as to avoid delay in selection of the consultant.

6. The total amount of the Fund Component shall be calculated as the estimated total amount of impervious area within the Project to be determined by the parties, multiplied by the Stormwater Management Fund's per acre payment rate (the "Rate") in effect at the time payment of the Fund Component is commenced.

7. The total amount of the Upgrades Component shall be calculated by:

(a) Computing:

(i) the quantities of the materials comprising the Base Facility; and

(ii) the quantities of the materials comprising the Upgraded Facility; and

(b) Securing actual public bid prices for the materials in Paragraph 7(a)(ii) (based on the bid of the lowest responsible bidder) after public bid of the Upgraded Facility; and

(c) Applying the prices from the public bid obtained pursuant to Paragraph 7(b) to the quantities of materials established pursuant to Paragraph 7(a) and multiplying the same to obtain total costs for said materials; and

(d) For any such materials included in the Base Facility which are not included in the Upgraded Facility (and, therefore, not included in the public bid), Applicant and the City, or their designated consultants, will jointly use their best judgment, after consultation with appropriate contractors, to determine mutually agreeable prices for any such materials established pursuant to Paragraph 7(a) and multiplying the same to obtain total cost for said materials; and

(e) Subtract the total cost of the Base Facility computed as the sum of the material prices calculated in Paragraph 7(c) and 7(d), from the actual public bid price of the Upgraded Facility obtained pursuant to Paragraph 7(b), which resulting amount will be the cost of the Upgrades to the Facility.

8. Applicant's total financial contribution to the cost of construction of the Facility will be the sum of the Fund Component and the Upgrades Component (the "Contribution"), which shall be paid as follows:

(a) Payment of the Contribution shall be made on a pro rata annual basis over a period of not less than ten years following commencement of the payment.

(b) Applicant shall commence payment of its Contribution no later than the commencement of construction of the Facility. Interest shall be paid in accordance with Paragraph 8(d).

(c) Applicant may commence payment of the Fund Component prior to commencement of construction of the Facility but not before approval of construction funding for the Facility as a Capital Improvement Project and receipt by the City of all necessary permits for the construction of the Facility, by advising the City and making a pro rata annual payment. Payments made during said time frame shall be without interest.

(d) Applicant will be responsible for payment of interest on the Contribution at a rate sufficient only to cover the City's own financing costs for the equivalent funds (the "Interest"). Interest on the Contributions shall accrue at such time as the City incurs the expense of said Interest by obtaining financing for the construction of the Facility. At such time as payment of Interest and the Contribution begins, said Interest shall be calculated only on the remaining balance due of the

Contribution at such time as the City incurs the expense of said Interest related to the construction of the Facility. In no event shall Interest be paid on more than the total amount borrowed by the City to construct the Facility.

(e) Following commencement of construction of the Facility, the Applicant can prepay all or any part of the principal amount of the Contribution at any time and without any penalty.

9. For any impervious area related to development occurring prior to commencement of construction of the Facility, if the City either (i) accepts from Applicant (a) the waiver fee, or (b) an equivalent amount including interest thereon; or (ii) the Applicant provides permanent stormwater management within the Project area, then Applicant shall receive a credit therefor. To provide such credit, the total estimated impervious area used to calculate the Fund Component in Paragraph 6 hereof, shall be reduced by, or otherwise reflect the amount of impervious area resulting from said development. The parties may also provide for such other equivalent credit as may be mutually agreed upon.

10. Applicant shall receive a credit for permanent stormwater management provided prior to the commencement of construction of the Facility.

11. In the event the Applicant seeks development which would create impervious area over and above the estimate set forth in Paragraph 6 hereof, the Applicant will make payment to

the Stormwater Management Fund at the Rate in effect at the time development permits are granted for any such excess Impervious Acreage, in accordance with normal procedures of the City.

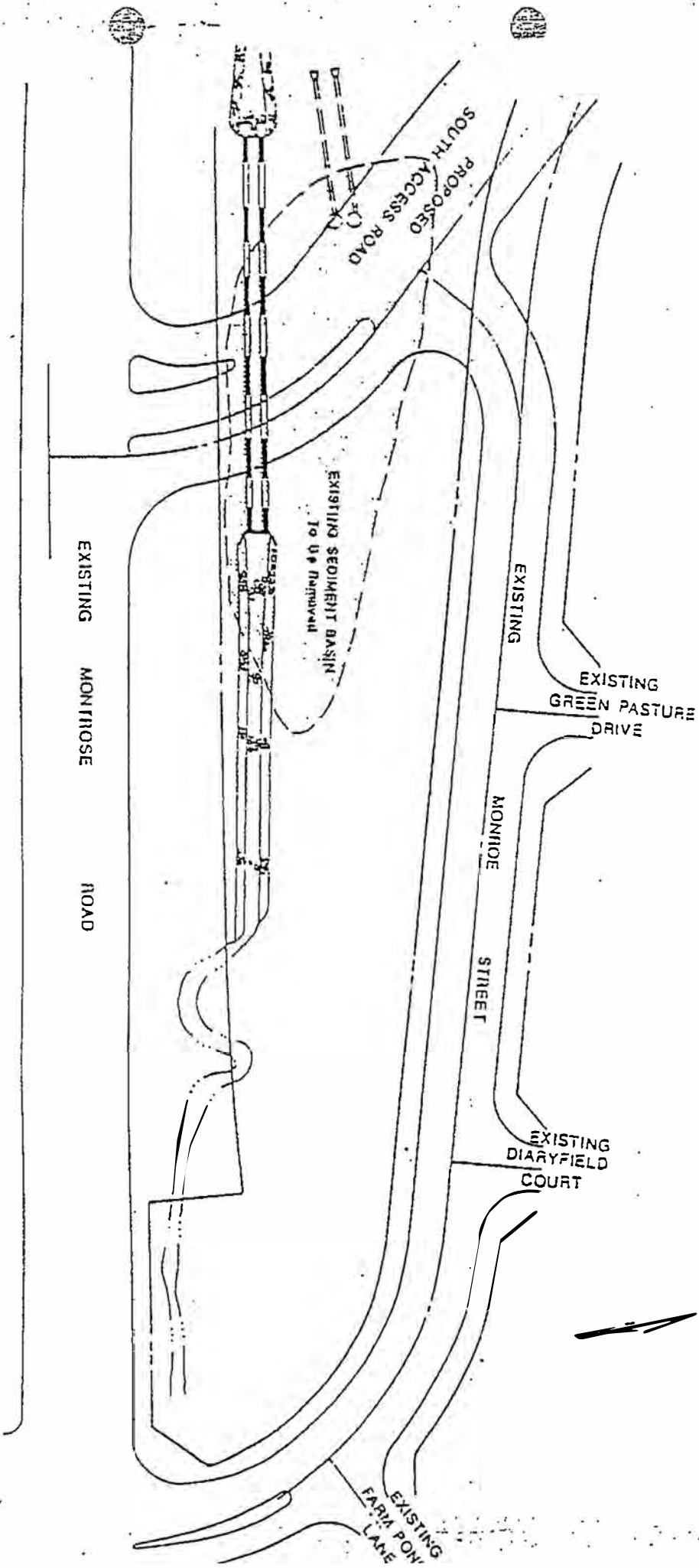
12. The City will commence construction of the Facility promptly following receipt of all necessary permits.

13. Applicant will not receive any credit toward the financing obligation herein for either the land deeded for the Stream Valley Park or for any easements granted to the City or the public.

14. The obligations of the Applicant under the Financing Agreement may be reallocated by the Applicant at its discretion in the future, with consent of the City which consent shall not be unreasonably withheld, conditioned or delayed, to individual parcels of the subject property, so long as the full amount of the obligation then-existing remains obligated.

15. The City will provide releases of the Financing Agreement as needed, including when the same result from reallocation of the Applicant's obligation hereunder within the Property.

Exhibit "G"



LEGEND



EXISTING BASIN AREA TO BE REMOVED

NORTH FARM STORMWATER MANAGEMENT POND

SCALE 1"=90' ±



Greenhorne & O'Mara, Inc.

#2 RESEARCH PLACE

ROCKVILLE, MARYLAND 20850-3291

(301) 948-0900

ENGINEERS

ARCHITECTS

PLANNERS

SCIENTISTS

SURVEYORS

PHOTOGRAMMETRISTS

DESCRIPTION

Exhibit "H"

PART OF LOT 23, BLOCK "C"

"WHEEL OF FORTUNE"

PLAT BOOK 26, PLAT 1605

All that piece or parcel of land situate, lying and being in the City of Rockville, Election District No. 4 of Montgomery County, Maryland being a part of Lot 23, Block "C" as delineated on a plat of subdivision entitled "Wheel of Fortune, City of Rockville as recorded in Plat book 26 at Plat 1605; also being all of that same tract of land as conveyed to the State of Maryland as per deed dated July 14, 1953 and recorded in Liber 1816 at Folio 49 all being filed among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at a point at the end of the 26th line of a conveyance by Maury Young, Successor Trustee and Charles Helferstay, Successor Trustee and Successor Trustees of Wondmont Park Property Partnership to Westmont Associates, a Virginia Limited Partnership by deed dated November 1, 1979 and recorded among the aforesaid Land Records in Liber 5425 at Folio 830; thence with and binding on a part of the 26th line reversed of the said conveyance

1. South 53°25'31" East, 106.45 feet to a point; thence
2. South 21°54'30" West, 692.33 feet to a point on the easterly right of way line of the Washington National Pike, I-270 as

GREENHORNE & O'MARA, INC.

delineated on State Roads Commission of Maryland Plats 13352 and 13353 as filed among the records of the Maryland State Highway Administration; thence with and binding on a part of the same

3. North $12^{\circ}30'48''$ West, 591.43 feet to a point; thence leaving said right of way line and running
4. North $62^{\circ}45'56''$ East, 146.41 feet to a point; thence
5. North $70^{\circ}13'56''$ East, 181.50 feet to the point of beginning; containing 132,490 square feet or 3.04155 acres of land.

SUBJECT TO:

Any and all easements, rights of way, covenants and restrictions of record or imposed by law.

RESOLUTION NO. 1-01

Resolution:

To approve Amendments to Comprehensive Planned Development Application CPD-1-85, (known as the "Tower-Oaks Concept Plan"), initially approved by Resolution No. 25-87, and amended by Resolution No. 21-93, filed by Boston Properties Limited Partnership

WHEREAS, Concept Plan Application CPD-1-85 was filed December 23, 1985 by Tower-Dawson Limited Partnership, 11501 Huff Court, North Bethesda, Maryland, , hereinafter called "Tower-Dawson", requesting approval of a concept plan application for a comprehensive planned development on 192 acres, more or less, (the "Project") known as the Tower Oaks tract (formerly known as the "Westmont Tract") located east of Interstate 270, north and west of Woodmont Country Club, and south of New Mark Commons, in accordance with a plan submitted under the O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, said Concept Plan Application proposed a major office park development, with related services, containing approximately 2.5 million square feet of floor space and a residential component with up to 275 dwelling units. The basic uses proposed in the initial Concept Plan were as follows:

<u>Use</u>	<u>Size</u>
Office	1,985,000 square feet
Hotel	300 rooms
Health and Recreation Facilities	75,000 square feet
Restaurant	10,000 square feet
Residence Inn (long term hotel)	170 units
Residential	275 units

Additional uses permitted in a Comprehensive Planned Development would occupy minor amounts of floor space in the Project except medical and dental laboratories which uses are not permitted.

Resolution No. 1-01

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The Concept Plan also made provision for a Lake for recreational and storm water management uses and public parkland. The approximate acreage of land utilization was as follows:

<u>Use</u>	<u>Acres</u>
Lake	12
Office park including related services	135 ^{1/}
Public parkland	5
Public rights-of-way	21
Residential	<u>19</u>
TOTAL	192

WHEREAS, pursuant to then Section 5-714, now Section 25-654, of the Zoning and Planning Ordinance, the Mayor and Council adopted Resolution No. 25-87 approving Concept Plan Application CPD-1-85, as amended, including the proposed Lake, subject to certain conditions, limitations, additions, and modifications as set forth in said Resolution; and

WHEREAS, the Lake proposed in the Approved Concept Plan was not pursued because of difficulties in satisfying federal wetlands regulations; and

WHEREAS, Tower-Dawson on December 29, 1992 filed a request for an amendment to the approved Tower Oaks Concept Plan No. CPD-1-85 for the purpose of eliminating the Cabin John Lake as an element of the Concept Plan and adding a public parkland element and a potential site for a stormwater management facility; and

WHEREAS, the approximate acreage of land utilization approved by Resolution No. 21-93 was as follows:

^{1/} Includes a portion of the 100-year flood plain

Resolution No. 1-01

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Use	Acres
Stream Valley Park and Potential Stormwater Management Facility	12
Office park including related services	135 ^{2/}
Public parkland	5
Public rights-of-way	21
Residential	<u>19</u>
TOTAL	92

and

WHEREAS, Boston Properties Limited Partnership, hereinafter called "Boston Properties," subsequently acquired part of the Project from Tower Dawson, and on July 14, 2000, filed Application No. CPD1985-0001B, to amend the Tower Oaks Concept Plan by increasing the amount of nonresidential floor area by 55,259 square feet, which amount was subsequently increased to 60,000 square feet, and also to provide that mechanical equipment spaces in the cellars of a building would not count toward the gross floor area of a building within the Project; and

WHEREAS, this proposed amendment filed by Boston Properties also provided that Boston Properties would acquire the property known as the Montrose-270 Limited Partnership property, which property will be preserved as open space; and

WHEREAS, Tower-Dawson and Boston Properties own individual portions of the Project, and they now collectively own the Project, and they are collectively considered and hereinafter referenced as the "Applicant" for the Concept Plan approval; and

WHEREAS, pursuant to Sections 25-653 and 25-556 of the Zoning and Planning

2/ Includes a portion of the 100-year flood plain

Ordinance, the Planning Commission, at its meeting of October 11, 2000, reviewed the subject request for an amendment to the Tower Oaks Concept Plan and forwarded its recommendation thereon to the Mayor and Council of Rockville by memo dated October 12, 2000; and

WHEREAS, pursuant to Sections 25-653 and 25-557 of the Zoning and Planning Ordinance, the Mayor and Council of Rockville (the "City") gave notice that a public hearing on said request for an amendment would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on October 23, 2000, at 7:30 p.m., or as soon thereafter as it may be heard, at which time parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on October 23, 2000, the said request for amendment came on for hearing at the time and place indicated in said notice; and

WHEREAS, the Mayor and Council having found that:

1. The original Concept Plan allowed for the reallocation of uses and square footage based on the total number of vehicular trips generated by 2,100,000 square feet of office use.
2. The proposed addition of 60,000 square feet of floor area only represents a 2 percent (2%) increase in the overall square footage of the Project.
3. Boston Properties will acquire the property at 2750 Tower Oaks Boulevard, and this property, known as the Montrose-270 Limited Partnership property, will not be developed, and will be Conveyed to the City to be preserved as open space, having been previously approved for a 60,000 square foot office building.

4. The number of residences within Tower Oaks has decreased from 275 to 136, reducing the number of trips generated from the residential component of the Project.

5. The additional square footage will increase the floor area ratio (FAR) to approximately .31 from the originally approved FAR of .30. This increase is below the .75 FAR permitted within a Comprehensive Planned Development.

6. Based on the reduction in peak hour traffic due to modifications in the development, including the number of residences, and modifications in trip generation rates, the number of trips from the Project will be lower than originally estimated, even with the additional 60,000 square feet of development.

7. Adequate public services, including water, sanitary sewer, public roads, storm drainage, and storm water management systems, and other public improvements are available to serve the Project, including the additional 60,000 square feet of development.

8. Space for mechanical equipment, normally placed on the roof, should not count as part of the gross floor area calculations if placed in a cellar or basement of a building, provided that such space is not used for any other purpose, including storage. Allowing mechanical equipment in a cellar or basement improves the appearance of the buildings without increasing the area available for tenant use or occupancy; and

WHEREAS, said matter having been fully considered by the Mayor and Council, the Mayor and Council having previously decided in Resolution No. 25-87, as amended by Resolution No. 21-93, that a comprehensive planned development on the subject site would promote the health, safety, and general welfare of the citizens of the City of Rockville, and having now determined that this

proposed amendment to the Concept Plan for the Project is appropriate , the Mayor and Council further determining, pursuant to Section 25-655 of the Zoning and Planning Ordinance, that the proposed amendments to Concept Plan CPD-1-85, subject to the conditions, limitations, additions and modifications set forth herein:

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
3. Will not be inconsistent with the intent or purpose of Chapter 25, Article XII, Division 7 of the Rockville City Code; and
4. Will not be contrary to the requirements contained in Chapter 25, Article XII, Division 5 of the Rockville City Code; and
5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage and storm water management systems, and other public improvements; and
6. Complies with the development standards and requirements set forth in Chapter 25, Article XII, Division 7 of the Rockville City Code; and
7. Complies with any applicable development staging and adequate public facilities recommended in the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the request for amendments to Concept Plan Application CPD-1-85, be granted with modifications, and that Concept Plan Application CPD-1-85, as amended, be,

Resolution No. 1-01

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and the same is hereby approved subject to the following conditions, limitations, additions, and modifications:

1. Development Density

a. The maximum amount of nonresidential floor area shall be approximately 2.5 million square feet. The traffic generation of 2.5 million square feet of mixed use, as proposed, has been determined to be substantially equivalent to that generated by 2.1 million square feet of office development as recommended in the Plan for the Tower Oaks (formerly Westmont) tract. The maximum amount of office space shall not exceed 2.030 million gross square feet.

b. Development shall be allocated among seven development areas identified on Exhibit "A" attached as follows:

Area	Use/Mix	Size/Yield
1	Residence Inn (Hotel) and possible recreation facilities	170 units
2	Office	300,000 g.s.f.
3	Office	500,000 g.s.f.*
4	Office Hotel Health and Recreation Facilities	285,000 g.s.f.* 300 rooms 75,000 g.s.f.
5	Office	945,000 g.s.f.*
6	Restaurant	25,000 g.s.f.
7	Residential	275 d.u. or 14.5 d.u. per gross acre**

* Includes density transfer approved by Planning Commission, March 7, 1990.

** 136 townhouses have been constructed. No additional dwelling units in excess of the 136 townhouse units shall be permitted in area 7 without an amendment of the detailed application.

The amount of floor space in each nonresidential development area may be varied by plus or minus 15 percent except Development Area No. 2 which shall not exceed 300,000 gross square feet.

c. The proposed "Standard Methodology for Traffic Impact Assessments" (or similar traffic impact assessment) shall not be applicable to development undertaken in accordance with the approved use mix and overall density shown above and approved development staging as identified on Exhibit "B" attached.

2. Park and Recreation

a. Pursuant to Resolution No. 21-93, the five acre park site as identified on Exhibit "C-1" to become part of the Stream Valley Park has been Conveyed to the City pursuant to a certain deed recorded in Liber 13941 at Folio 404. The "other floodplain and conservation areas" as identified on Exhibit "C-1" have been Conveyed to the City by a certain deed recorded in Liber 13941 at Folio 378. The deeds for said conservation areas have occurred in connection with the approval of the Detailed Application for the residential component of the Project. Applicant has reserved the right to use said areas for uses permitted in an approved Detailed Application, Applicant having obtained all required approvals in connection with the Detailed Application for the residential component of the Project.

b. In making calculations of the open space and landscape area requirements of Section 25-649 of the Zoning and Planning Ordinance, no distinction shall be made between publicly owned space and privately owned space so long as such areas are part of the gross acreage covered by the Concept Plan Application.

c. The residential component shall contain recreation facilities sufficient for the needs of the proposed dwellings. These facilities may be located within public easement areas if approved by the City.

d. Pursuant to Resolution No. 21-93, Applicant was required to provide a minimum of fifty (50) additional parking spaces for Dogwood Park in/or immediately adjacent to the park at a location acceptable to the City. Subsequently, as part of the Detailed Application for said residential component, the City determined that the required 50 parking spaces were not needed, and therefore, they were not required to be provided, and the requirements of this Paragraph no longer apply.

e. (1) Applicant shall Convey land to the City for a public stream valley park along the Cabin John Creek. Said area shall be known as the Stream Valley Park and shall be utilized for non-tidal wetland preservation, interpretive park purposes, possible future stormwater management use in accordance with Paragraph 8 herein, and other appropriate uses, provided that park usage is consistent with any adopted Cabin John Watershed Plan. The area comprising the Stream Valley Park shall include all land within the Cabin John Creek Wetland/100 year floodplain, but in no event shall be less than 12 acres of land, as generally indicated on Exhibit "C-2". Applicant shall Convey without charge to the City, good and marketable fee simple title to the land comprising the Stream Valley Park. However, if Conveyance of all or part of the land is to occur at a time when future adjustments in the Park boundaries are likely as a result of potential activity within or surrounding the Park area, then Applicant may, with the approval of the City (not to be unreasonably withheld, conditioned, or delayed) and on an interim basis, Convey all or any portion of the land required for the Stream Valley Park by one or more easements pending a subsequent Conveyance of the land in fee. Unless otherwise indicated, the terms "Conveyance," "Convey" or "Conveyed," shall include Conveyance in fee simple or by easement, as may be appropriate.

(2) The precise boundaries of the Stream Valley Park shall be consistent with the elevation and configuration of the 100 year floodplain, and shall be determined by the City in cooperation with Applicant in connection with the design of any stormwater management facility to be located within the Park area in accordance with Paragraphs 8.b. or 8.c. herein, or at such time as any parcel adjoining the area of the Stream Valley Park is developed, whichever first occurs. The boundaries so determined shall accommodate any potential stormwater management facility within the Stream Valley Park area and any approved development.

(3) If the City determines to proceed with a public regional Stormwater Management Facility in the Stream Valley Park area pursuant to Paragraph 8.b. herein, the City shall give Applicant written notification of such determination. After the City receives all permits necessary to construct the public regional Stormwater Management Facility, it shall so notify Applicant in writing. Applicant shall thereupon Convey the land comprising the Stream Valley Park to the City within 45 days from the date of notification of receipt of permits.

(4) If, after receiving all necessary approvals, Applicant constructs a local facility within the Stream Valley Park pursuant to Paragraph 8.c., Applicant shall Convey the land comprising the Stream Valley Park to the City in connection with the design and construction of such local facility.

(5) If, prior to the events in Paragraphs 2.e.(3) and 2.e.(4), Applicant develops some or all of the parcels adjoining the area of the Stream Valley Park, Applicant shall, in connection with such development, Convey to the City appropriate portions of the Stream Valley Park adjoining or within each such parcel, or such portions as may be required by the City in order

to implement the Park Plan referenced in Paragraph 2.f. herein.

(6) If, following the Conveyance of some or all of the Stream Valley Park area, the 100-year floodplain is increased, decreased, or otherwise modified as a result of subsequent construction or other approved activity within the Stream Valley Park area or as a part of the development of the surrounding area, appropriate Conveyances of land (in fee, by easement or release of easement) shall occur between the City and Applicant, without charge, to adjust the boundaries of the Stream Valley Park to reflect the modified floodplain. Applicant shall be considered as the contract purchaser from the City for any land previously Conveyed in fee or by easement, which would be subject to reconveyance under this Paragraph 2.e.(6).

(7) With the approval of the City (which approval shall not be unreasonably withheld, conditioned or delayed), Applicant may reserve rights in the Stream Valley Park or the conservation areas described in Paragraph 2.h., for purposes of: construction (including construction of the Stream Valley Park), maintenance, any approved stormwater management, the East Access Road (hereinafter defined), and other purposes needed to accomplish development under the Concept Plan, as amended, and any subsequent approved Detailed Applications, including any amendments thereto.

f. (1) Applicant shall construct and otherwise implement, at its expense, a wetland preservation and park plan (the "Park Plan") to be designed by the City, in consultation with Applicant, for and within the Stream Valley Park. Such a Park Plan may include pedestrian paths or trails, such as an elevated boardwalk through the Stream Valley Park, allowing limited and compatible passive recreational use and educational experience by the public in a manner

minimizing the damage to environmentally sensitive areas. Any such paths or trails within areas delineated as jurisdictional wetlands must be approved, to the extent required, by the Army Corps of Engineers, the Maryland Department of the Environment, and/or the Maryland Department of Natural Resources. All such paths or trails will be public and maintained by the City.

(2) The specifics of the Park Plan shall accommodate any potential public regional Stormwater Management Facility or local storm water management facility to be located in the Stream Valley Park. Applicant shall complete construction and implementation of the Park Plan in accordance with a construction schedule approved as a part of the Park Plan. No Detailed Application shall be required for construction of the Stream Valley Park pursuant to the Park Plan.

(3) The City shall be responsible for obtaining all permits from the Army Corps of Engineers, the Maryland Department of the Environment and/or the Maryland Department of Natural Resources that may be required for construction of the Stream Valley Park pursuant to the Park Plan. The City may be considered as the contract purchaser of the Stream Valley Park for this purpose. Applicant shall be responsible for obtaining all permits from the City, and posting related bonds or other security therefor, that are necessary for construction of the Park Plan.

g. Applicant shall construct or otherwise provide for pedestrian/walking trails linking the Stream Valley Park with Dogwood Park, and linking the Stream Valley Park with the Residential component of the Project if required by any applicable Detailed Application. Applicant shall maintain the portion of said linking trails located outside of any public park and any easement area.

h. (1) Applicant shall establish a conservation area around the Stream Valley Park

to serve as a buffer area and as a transition between developed and undeveloped areas, and to preserve the character of mixed habitats and forest interior qualities. The boundaries of the conservation area shall be determined in connection with the determination of the boundaries of the Stream Valley Park, and/or development of parcels adjoining the Stream Valley Park, and giving consideration to the topography of the area.

(2) The conservation area may be designated and protected by conservation easements or by Conveyance in fee simple to the City, at the option of the City. The conservation area may or may not become part of the Stream Valley Park, at the option of the City.

(3) The location, size and configuration of the conservation area shall be determined in conjunction with the review and approval of the Detailed Application for each parcel adjoining the Stream Valley Park.

(4) Paths or trails in the Stream Valley park may continue in and through the conservation area, and shall be maintained by the City.

(5) Applicant shall provide for general maintenance of said conservation area, excluding any trails or paths, unless and until, the conservation area is Conveyed in fee simple to the City.

i. The City shall be responsible for maintaining the Stream Valley Park, including its related facilities constructed pursuant to the Park Plan and, if Conveyed to the City in fee simple, the conservation area. However, Applicant may, at its own expense and with the approval of the City, provide for additional general maintenance of the Stream Valley Park, including the area surrounding any public regional Stormwater Management Facility. Said general maintenance may

include removal of trash and fallen or damaged brush, trees and other natural materials. Applicant shall be responsible for its negligence in the maintenance of the Stream Valley Park.

3. Water and Sewer Systems

a. The City will be responsible for any relocation and capacity augmentation of the existing Cabin John Trunk Sewer. Such relocation will be coordinated with Applicant which will provide, at no cost to the City, appropriate easements for the relocation, operation and maintenance of the sewer.

b. Any other modifications to existing facilities necessitated as a result of Applicant activities will be the full responsibility of Applicant for design and construction.

c. All extensions or relocation of utility services to serve the Project on the subject property will be the full responsibility of Applicant. If the City desires to upgrade the utility services to the Project on the subject property, the City will pay the proportionate costs for such upgrades based on the ratio of the cross-sectional areas of the pipe size required to serve Applicant and the pipe size actually installed, as determined by the City.

d. Applicant shall be responsible for a proportionate share of all costs associated with the installation (including engineering costs) of a 24" water main in Wootton Parkway (formerly Ritchie Parkway) within the boundary of the subject property in accordance with the agreement between the City and Applicant dated March 18, 1993, a copy of which is attached hereto as Exhibit "D", as amended by a certain First Allocation Amendment dated February 16, 1996 and a Second Allocation Amendment dated May 27, 1998.

4. Roads and Access

a. Wootton Parkway (formerly Ritchie Parkway)

(1) All necessary rights-of-way and easements for construction, slopes, drainage, and utilities have been or shall be dedicated by Applicant.

(2) Tower-Dawson and the City have executed an agreement dated March 18, 1993, including amendments thereto. Pursuant thereto, Applicant will pay the full cost of improvements, including Upgrades, through the subject property. A copy of which agreement is attached hereto as Exhibit "D."

b. Tower Oaks Boulevard (formerly South Access Road)

(1) Pursuant to Resolution No. 25-87, Tower-Dawson has designed and constructed Tower Oaks Boulevard (formerly the South Access Road) in the locations shown in the Concept Plan, as amended, as generally shown in Exhibit "E" attached hereto including modifications to Monroe Street, including streetlights, landscaping, and any future traffic signals.

(2) Pursuant to Resolution No. 25-87, the City has provided, at no cost to Tower-Dawson, necessary right-of-way for Tower Oaks Boulevard (formerly the South Access Road) over the former City owned stormwater management facility located north of Montrose Road.

(3) Pursuant to Resolution No. 25-87, improvements to the Montrose Road/I-270 interchange and the connection to Tower Oaks Boulevard (formerly the South Access Road) have been constructed by Tower-Dawson in accordance with its obligations under the agreement dated October 13, 1986, among Tower-Dawson, the State Highway Administration, Montgomery County, Fortune Parc Development Corporation, Key Development Corporation, and

Snowden River Corporation.

c. Preserve Parkway (formerly East Access Road)

(1) Applicant shall be responsible for the design and construction of the Preserve Parkway. The interior location of Preserve Parkway was initially unspecified between Wootton Parkway (formerly Ritchie Parkway) and the area of Preserve Parkway as it crosses Cabin John Creek. The Preserve Parkway shall provide two means of access to Development Area 5. The final location of Preserve Parkway has been determined through a Detailed Application for Preserve Parkway.

(2) Preserve Parkway has been dedicated to the City as a public road to be built to City standards.

(3) The City shall grant to Applicant (or Applicant may reserve) any easement across the Stream Valley Park as may be necessary for the Preserve Parkway and related construction activities, provided that prior to construction of said road, Applicant receives all necessary approvals from the Army Corps of Engineers, Maryland Department of the Environment, and/or the Maryland Department of Natural Resources.

d. Residential Access

Vehicular access to the residential development area shall be via Tower Oaks Boulevard (formerly the South Access Road), north of Wootton Parkway (formerly Ritchie Parkway). The City has determined that no emergency access through Dogwood park is needed.

e. Other Off-Site Roads and Road Improvements

Applicant will not be responsible for off-site improvements other than those

specifically named herein so long as development and staging occur as specified in this Resolution.

5. Buildings

The Mayor and Council shall retain approval authority of schematic building designs (without the need for further public hearing) prior to submission of Detailed Applications, and such approval shall be deemed part of the Concept Plan, as amended. Schematic plans shall include the placement of the building or buildings on the site and its relationship to the site components; and vertical section and rough elevation to show approximate height, bulk, and massing. The maximum building height for each development area shall be as follows:

Area	Proposed Use	Maximum Height
1	Residence Inn	35'
2	Office	125'
3	Office	125'
4	Office, hotel Health and recreation facility	125' 125'
5	Office	125'
6	Restaurant	Not Specified
7	Residential	5 stories

6. Waiver and Modifications

The following waivers and modifications to normal O-3 Zone development standards and sign requirements are authorized:

a. Development Standards

(1) Minimum Lot Area - Lots of less than five acres, but not less than one acre are permitted.

(2) Maximum Lot Coverage - Maximum coverage, including parking structures, of up to 90 percent will be permitted for individual lots, provided that the average lot coverage for the entire development does not exceed 30 percent.

(3) Floor Area Ratio - The maximum floor area ratio (F.A.R.) for all nonresidential uses shall be .31 computed on the basis of gross area covered by the Concept Plan Application. Individual lots or development sites may exceed that ratio so long as the overall F.A.R. of .31 for all nonresidential development is not exceeded.

(4) Minimum Setback Requirements - Normal minimum O-3 Zone setback requirements are waived except for the "Limitations on Setbacks for Nonresidential Uses" contained in Section 25-646 of the Zoning and Planning Ordinance.

(5) Minimum Lot Width - Lot width requirements of the O-3 Zone shall be reduced to a minimum of 100 feet at the front lot line and a minimum of 200 feet average lot width.

(6) Gross Floor Area - Space for mechanical equipment located in a cellar or basement of a building, provided that such space is not used for any other purpose, including storage, shall be excluded from the computation of gross floor area of a building.

b. Sign Requirements applicable to signs in the O-3 Zone for size, height, location, and content are waived. A comprehensive sign design package for the entire development was reviewed and approved by the Sign Review Board on October 2, 2000, and on December 4, 2000.

7. Design Guidelines - Specific guidelines for unified lighting (exclusive of public

street lights) and landscaping concepts in the Preliminary Guidelines contained in the Concept Plan Application are acceptable. Subsequent Detailed Applications shall be generally consistent with the Preliminary Guidelines subject to final approval in the Detailed Applications.

8. Storm Water Management

a. Applicant shall provide for stormwater management in connection with its development of the Project under the approved Concept Plan, as amended, in accordance with all laws, rules, and regulations applicable at the time of development. Except as may otherwise be approved by the City in its sole discretion, water quality control shall be provided by Applicant on site in connection with each stage of development. Water quantity control shall be provided in one or more facilities to be determined through technical analysis of the Cabin John watershed (The Cabin John Watershed Study) and Cabin John Watershed Plan when adopted.

b. (1) If, following the completion of the Cabin John Watershed Study, the City decides to construct a public regional Stormwater Management Facility ("Facility") in the Stream Valley Park to replace all or part of the stormwater management function of the Cabin John Lake that was a part of Concept Plan No. CPD-1-85 as approved by Resolution No. 25-87, Applicant must use such public regional Stormwater Management Facility for the management of stormwater run-off generated by the Project. In such case, Applicant shall satisfy its stormwater management obligations by paying its share of the cost of the Facility as provided by Paragraph 8.b.(2), which share shall equal the total waiver payments-in-lieu of on-site water quantity control for the entire Project, plus the cost of any necessary Upgrades (as defined in Exhibit "F" attached hereto) to the Facility. The term "public regional Stormwater Management Facility" or "Facility" shall include

any related dam that may be necessary and other necessary appurtenances.

(2) Applicant shall pay its share of the cost of any such Facility and pay all cost of the Upgrades to the Facility pursuant to an agreement to be entered into between Applicant and the City. Said agreement shall be entered into prior to the selection by the City of a consultant to design the Facility and shall contain the provisions set forth in Exhibit "F" attached hereto, the final form of which agreement shall be subject to the approval of the City Attorney. In no event, however, shall the City be required to accept any payment prior to approval of construction funding for the Facility as a Capital Improvement Project and receipt by the City of all necessary permits for the construction of the Facility.

Applicant shall not receive any credit toward the payment obligation in this Paragraph 8.b. for either the land Conveyed for the Stream Valley Park or the value of any easements granted to the City or the public, including conservation easements, or for any costs incurred for past designs relating to the formerly proposed Cabin John Lake and Dam.

(3) Except as otherwise herein provided, the City shall be responsible, in consultation with Applicant, for designing and obtaining permits for construction of the Facility. Applicant shall, without charge, allow the City full and complete use of all drawings, documents, studies, analysis and other materials and information prepared on behalf of Applicant in connection with the formerly proposed Cabin John Lake and Dam.

(4) The City shall be responsible for all maintenance of, and all structural and functional repairs to, the Facility. Applicant may, at its expense, provide for additional general maintenance around the Facility in accordance with Paragraph 2.i. hereof.

The City shall be responsible for all liability associated with, arising out of, or resulting from, the design, construction, use, maintenance, repair and operation of any public regional Stormwater Management Facility, except that Applicant shall be responsible for its negligence in any of its own maintenance of, or around, the Facility.

c. (1) If the City: (i) decides not to construct a public regional Stormwater Management Facility within the Stream Valley Park; or (ii) within two (2) years after the Cabin John Watershed Study is submitted to the City, has not decided whether or not to construct a public regional Stormwater Management Facility within the Stream Valley Park, then Applicant may construct a local stormwater management facility within the Stream Valley Park to serve the development of all or a portion of the Project, provided that the construction of such a local facility is approved by the City and has received all necessary approvals from the Army Corps of Engineers, the Maryland Department of the Environment and/or the Maryland Department of Natural Resources. The construction of such local facility shall not preclude: (i) its subsequent expansion or reconstruction by the City as a public regional Stormwater Management Facility; or (ii) full public access to, and use of, the Stream Valley Park, including the area on which such local facility is located, but without impairing the operation or safety of such facility.

(2) The design and construction of any local stormwater management facility shall be approved by the City and be subject to all laws, rules, and regulations applicable to private stormwater management facilities, including bonding requirements.

(3) The City shall grant, upon request, an easement to Applicant for the construction and maintenance of the private facility, if such an easement has not previously been

retained by Applicant.

(4) Applicant shall provide for the maintenance of any approved local stormwater management facility at its cost, in perpetuity, along with the maintenance of any landscaping, appurtenances, pathways, and amenities located within the easement area in which the facility is located; unless such local facility is converted to a public regional Stormwater Management Facility, in which case the City and Applicant shall enter into an agreement providing for the City to undertake all maintenance responsibilities as provided in Paragraph 8.b.(4).

d. Development of the Project pursuant to this Concept Plan, as amended, may proceed before final determination as to what, if any, stormwater management facility is to be located in the Stream Valley Park or prior to the construction of any said Facility. However, in such event, Applicant must, as may be required by the City, either: (i) provide stormwater quantity control on-site, including use of an approved local Stormwater Management Facility in the area of the Stream Valley Park or elsewhere within the Project area, on either a temporary or permanent basis, in accordance with then-current City requirements including bonding and permitting requirements; or (ii) provide for appropriate reservation of land for stormwater quantity control, subject to such conditions, including bonding or other security, as may be required by the City. At its option, Applicant may either participate in any future public regional Stormwater Management Facility serving the Cabin John drainage area or retain any on-site stormwater management facilities previously constructed pursuant to Paragraph 8.d.(i), provided that the City shall have the right upon receipt of all necessary approvals, to convert any local stormwater management facility located within the Stream Valley Park into a public regional Stormwater Management Facility.

Water quality control shall be provided on-site in accordance with Paragraph 8.a. hereof.

e. If no stormwater management facility is permitted in the Stream Valley Park, Applicant must accommodate stormwater quantity control, along with stormwater quality control, on site within the Project area, in accordance with the then-current City requirements, including bonding and permitting requirements.

f. Pursuant to Resolution No. 25-87, the City has abandoned the storm water management facility as shown on Exhibit "G" at Montrose Road in conjunction with Tower-Dawson's construction of Tower Oaks Boulevard (formerly the South Access Road). Tower-Dawson has restored, to its natural state, and has landscaped the area of the abandoned facility in accordance with a design plan approved by the City.

9. Annexation of State Highway Administration Property

Pursuant to Resolution No. 25-87, Tower-Dawson has annexed into the City property owned by the State Highway Administration, and shown on Exhibit "H" attached hereto.

10. Forest and Tree Preservation.

Pursuant to Resolution No. 21-93, Applicant has prepared and submitted to the City a Forest Stand Delineation in accordance with the City's Forest and Tree Preservation Ordinance for all undeveloped portions of the Project and has secured approval of a Preliminary Forest Conservation Plan for the Project.

11. Montrose-270 Limited Partnership Property.

Boston Properties shall cause the property owned by Montrose-270 Limited Partnership, being Lot 28A, Block D, Ownership Plat No. 18059 recorded in the Land Records of Montgomery

Resolution No. 1-01

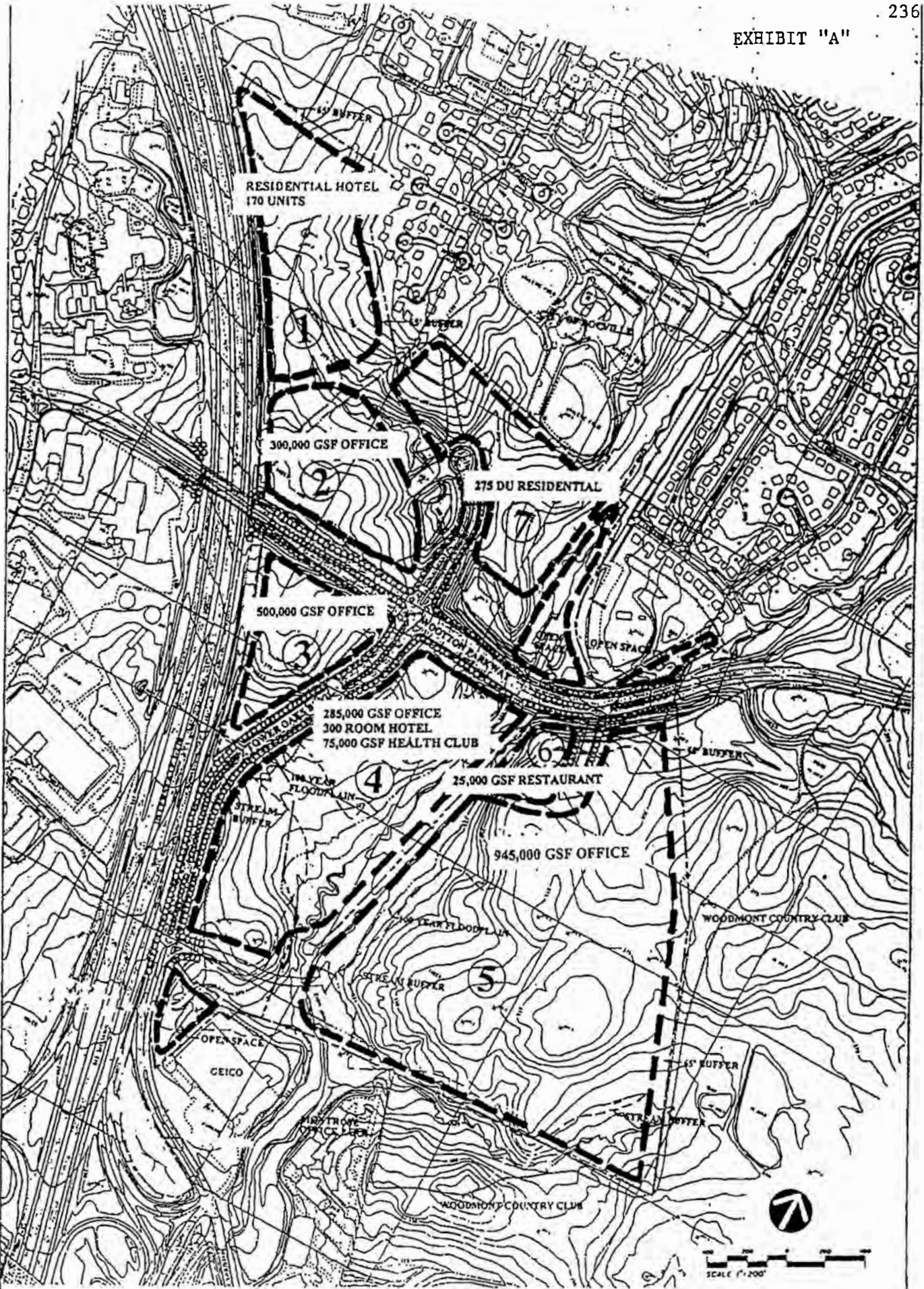
-24-

County, Maryland, Wheel of Fortune Subdivision, to be Conveyed to the City of Rockville in a form, and under such terms and conditions, acceptable to the City Attorney within six (6) months of the effective date of this Resolution. However, unless approved by the Mayor and Council, no permits shall be issued to Boston Properties for any construction, building or other development in Areas 5 or 6 of this Project until the Montrose-270 Limited Partnership property has been Conveyed to the City of Rockville as provided herein, unless said permit implements a detailed application approved prior to the adoption of this Resolution.

* * * * *

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 January 8, 2001.


Claire F. Funkhouser, City Clerk



CURRENT APPROVED DENSITY ALLOCATION JANUARY 2001

TOWER OAKS

COMPREHENSIVE
PLANNED
DEVELOPMENT.

Development Staging
Assumptions and Triggering Mechanisms

Basic Assumptions

Plan Adoption
Ritchie Parkway Authorization

<u>Stage</u>	<u>Assumption</u>	<u>Trigger</u>
I	This stage would permit between 400,000 and 800,000 gsf of floor area subject to the following event(s):	
Up to 400,000 S.F.*	1. Widening of Montrose Road between Old Bridge Road and the Montrose/I-270 Bridge (item 5, Table 13). 2. Extension of Monroe Street into the planning area. 3. Construction of the road improvements noted "A" map 11 (Amended).	Construction of building may commence with the letting of contracts for the work in Assumptions 1, 2 & 3. Occupancy permits shall not be issued until the improvements in Assumptions 1, 2 & 3 are substantially completed.
Up to 800,000 S.F.*	4. Extension of Ritchie Parkway from Seven Locks Road to the planning area. 5. If a connection is made from Ritchie Parkway to Montrose Road via Monroe Street, then all of the improvements in Paragraphs 1, 2 and 3 above become a part of this assumption. *NOTE: Access for construction of buildings shall not be via the existing intersections of Montrose Road with Monroe Street and with Farm Haven Drive.	Construction of building may commence with let of contracts for the work in Assumption 4. Occupancy permits shall not be issued until the improvements in Assumption 4 are substantially completed.
II	1. Completion of Ritchie Parkway from the planning area to Route 355.	Completion of applicable requirements from prior stages. Contracts awarded for work in Assumptions 1 & 2.
Up to 1.2 million S.F.	2. Unprogrammed improvement 3a.***	

EXHIBIT "B" (CONT)

III	1. Falls Road Interchange Up to 1.6 million S.F. 2. Unprogrammed improvements 1, 2, 3b**, 3c, 4.	Completion of applicable requirements from prior stages. Construction of buildings may commence when 50% of the amount of the construction contract for work in Assumption 1 has been disbursed. Contract award for work in Assumption 2.
IV	1. Direct access ramp Montrose/I-270 interchange (item 7, Table 13). (The final configuration of the Montrose Interchange and direct access ramp will determine the extent of additional development beyond 1.6 million S.F.) This determination will be made at the time that design of the direct access ramp is approved. 2. The developer shall provide to the City a traffic analysis of the project and the roadnet serving the project, using methods approved by the City. The analysis shall determine the relationship between projected and actual traffic conditions, and the effect of that traffic on the capacity of in-place and planned road improvements, and identify actions which the City can take to alleviate any problems which may exist without altering the development density approved in the plan or denying use permits therefore. Provided further, however, that at the time use permits are granted for any square footage exceeding 1.9 million square feet, the City may require dedication of onsite rights of way or reasonable contributions for traffic engineering improvements on or immediately adjacent to the site under two conditions: 1) that traffic problems have arisen; and 2) traffic generation (trips) from the planning area exceed those anticipated under the Plan.	Completion of applicable requirements from prior stages. Improvements substantially completed.

** Item 3B may be deleted if Item 7 is built.

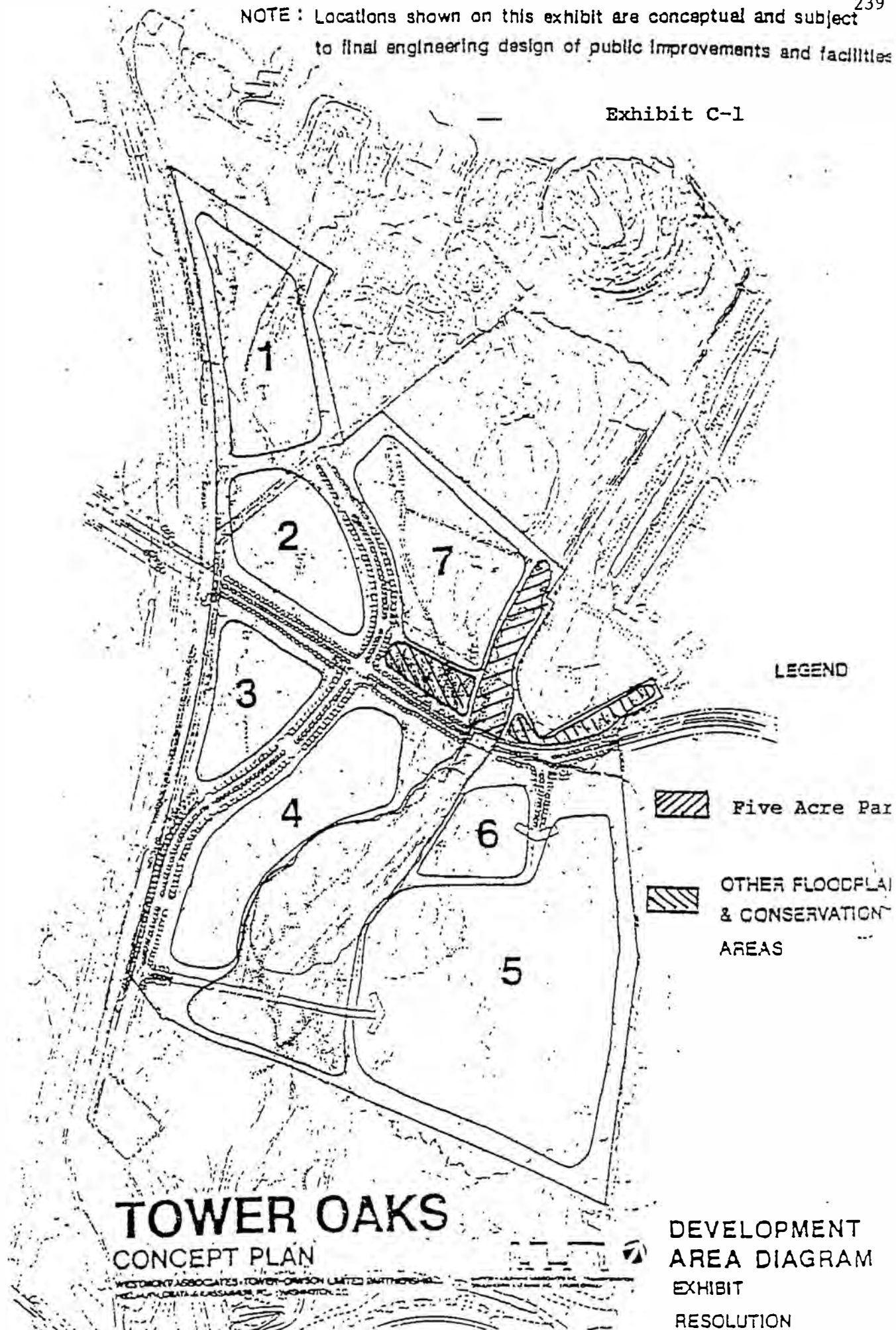
*** Refer to Table 13, page V-20 for more detail.

**** Within the range of error of estimate (6%) up to 2.2. million square feet could be accommodated. This will be subject to Assumption 2 of Stage IV.

NOTE: If the Falls Road Interchange is not begun by stage III, but Monroe Street is relocated to connect directly to a modified Montrose Road/I-270 Interchange, then between 1.2 and 1.7 million square feet may be authorized by the Planning Commission as it may reasonably determine. As an incentive to the Owner, in the event a modified Monroe Street and Montrose/I-270 interchange can be implemented during stages I, II or III, then the Planning Commission may reevaluate the amount of square footage in stages I, II, III, & IV.

NOTE : Locations shown on this exhibit are conceptual and subject to final engineering design of public improvements and facilities

Exhibit C-1



TOWER OAKS

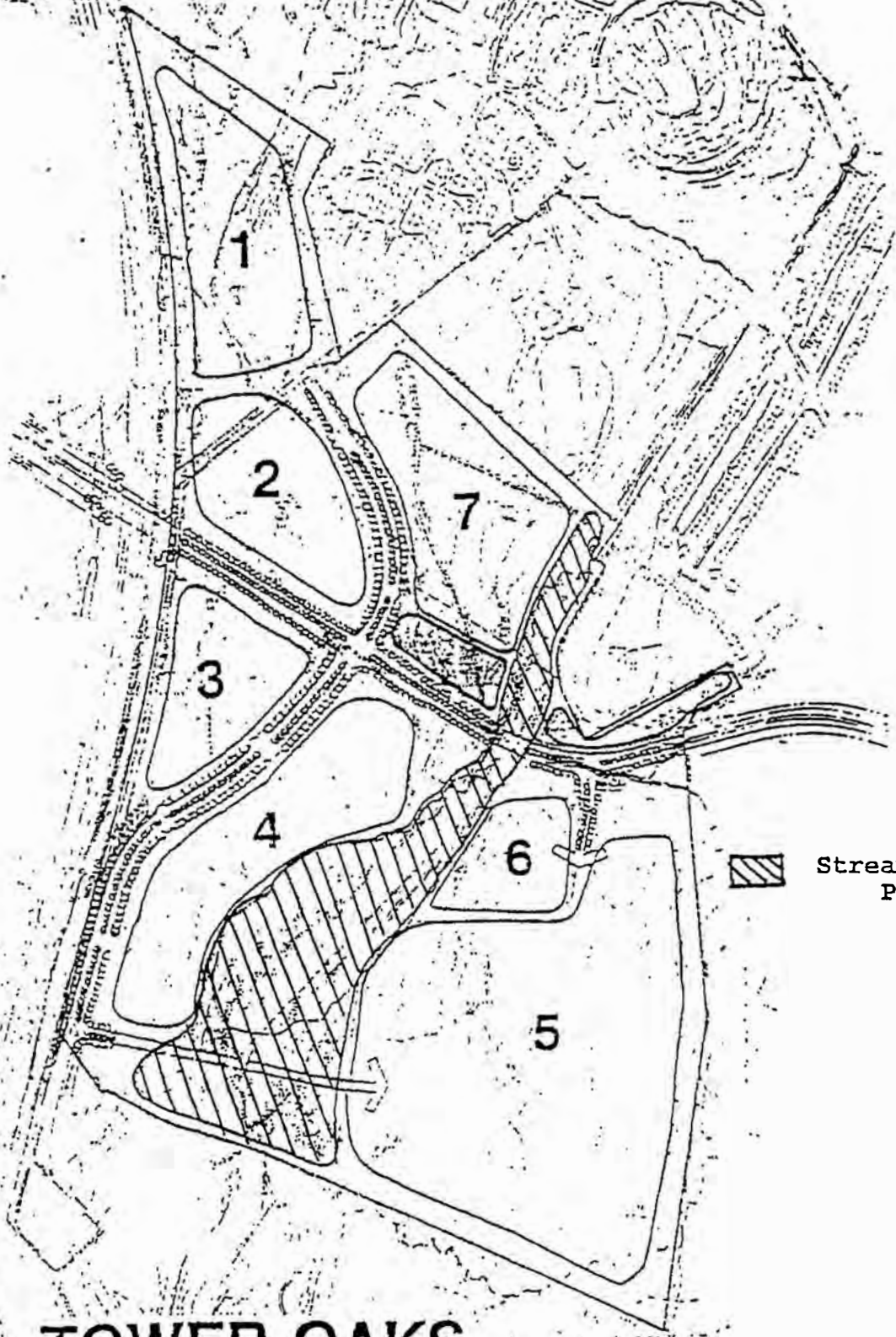
CONCEPT PLAN

WESTMONT ASSOCIATES - TOWER OAKS LIMITED PARTNERSHIP
REDACTED, ORATA & ASSOCIATES, P.C. - WASHINGTON, D.C.

DEVELOPMENT
AREA DIAGRAM
EXHIBIT
RESOLUTION

NOTE: Locations shown on this exhibit are conceptual and subject to final engineering design of public improvements and facilities

Exhibit C-2



TOWER OAKS

CONCEPT PLAN

WESTBURY ASSOCIATES - TOWER OAKS, LIMITED PARTNERSHIP
10000 WILLOW CREEK ROAD, SUITE 100, WASHINGTON, DC 20007

DEVELOPMENT
AREA DIAGRAM
EXHIBIT
RESOLUTION

ASSESSMENT AGREEMENT -- WOOTTON PARKWAY

This Agreement made this 18th day of March, 1993, by and between the Mayor and Council of Rockville, Maryland, a municipal corporation of the State of Maryland, hereinafter referred to as the "City", and Tower-Dawson Limited Partnership, a Maryland Limited Partnership, hereinafter referred to as "Tower-Dawson".

WITNESSETH:

WHEREAS, Tower-Dawson is the owner of a certain tract of land comprising 192 acres, more or less, known as the "Tower Oaks Tract" located east of Interstate 270, north and west of the Woodmont Country Club, Inc., and south of New Mark Commons, as more particularly described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the "Subject Property"; and

WHEREAS, Tower-Dawson filed Concept Plan Application CPD-1-85 requesting approval of a Concept Plan application for a comprehensive planned development on the Subject Property in accordance with the plans submitted under the 0-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance; and

WHEREAS, the aforesaid Concept Plan provides, inter alia for the construction of Ritchie Parkway, now called "Wootton Parkway", through and across the Subject Property; and

WHEREAS, the Mayor and Council has adopted Resolution No. 25-87 approving the Concept Plan application for the Subject Property, subject to certain conditions, limitations, additions and modifications, including, but not limited to, the dedication by Tower-Dawson of the necessary rights-of-way and related easements for that part of Ritchie Parkway (Wootton Parkway) which crosses through the Subject Property; and

WHEREAS, Tower-Dawson has agreed to dedicate all necessary rights-of-way and related easements for Ritchie Parkway (Wootton Parkway); and

WHEREAS, Tower-Dawson has also agreed to pay the cost of Ritchie Parkway (Wootton Parkway) through the Subject Property as more particularly hereinafter described; and

WHEREAS, the aforesaid Concept Plan application approval required, inter alia, that an agreement be entered into between Tower-Dawson and the City providing for the payment of the cost of Ritchie Parkway (Wootton Parkway) through and across the Subject Property.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The City has designed and constructed a four lane roadway and related appurtenances through and across the Subject Property, which roadway was originally designated "Ritchie Parkway" and subsequently renamed "Wootton Parkway." For purposes of this Agreement said roadway shall be referred to as "Wootton Parkway." As part of the design and construction of Wootton Parkway, the City will in the future design and install, construct, or otherwise implement wetland mitigation measures as required by the Maryland Department of the Environment and/or the U. S. Army Corps of Engineers as a result of the wetlands permitting process.

2. (a) Tower-Dawson's financial contribution to the cost of the design and construction of Wootton Parkway will be in the amount of the special benefit assessment(s) applied to the Subject Property. Tower-Dawson understands that the total cost of the design and construction of Wootton Parkway and related appurtenances including wetland mitigation measures, has not been determined, and that Tower-Dawson's share of those costs will be determined over a period of time in accordance with the formula described herein and shall be levied as special benefit assessment(s) against the Subject Property.

(b) Tower-Dawson on behalf of itself, its successors and assigns, hereby agrees, covenants, and acknowledges that the Subject Property is specially benefitted, and will be specially benefitted, in an amount equal to or greater than the various special benefit assessment(s) that may be levied by the Mayor and Council of Rockville as calculated pursuant to the formula described herein.

3. (a) The special assessment(s) against the Subject Property shall be the sum of (1) the average cost per front foot for Base Wootton Parkway (as defined below) multiplied by the front foot length of Base Wootton Parkway that lies within the boundaries of the Subject Property, and (2) the cost for the Upgrades (as defined below) for that portion of Wootton Parkway that lies within the boundaries of the Subject Property, and (3) an agreed portion of the cost of the water main installed beneath the surface of Wootton Parkway that lies within the boundaries of the Subject Property, as set forth below.

(b) Base Wootton Parkway - For purposes of this Agreement, Base Wootton Parkway shall mean a four lane roadway and appurtenances thereto (including but not limited to, turning lanes, median strips and traffic control measures) constructed from the centerline of the intersection of Seven Locks Road to the west right-of-way line of Rockville Pike, but excluding that portion of the cost of the bridge over Interstate 270 (including its approaches and appurtenances) not paid for by the City. Base

Wootton Parkway also includes the costs for landscaping, streetlights, construction interest, and wetland mitigation (including the cost or value of land and interests in land acquired for wetland mitigation). Base Wootton Parkway does not include either (1) items funded by federal and state governments or (2) the costs for land acquisition, other than land and interests in land acquired for wetland mitigation.

(c) Upgrades include:

(1) those items set forth on Exhibit "D-2" to Resolution No. 25-87, a copy of which is attached hereto as Exhibit "B". Tower-Dawson shall pay one hundred percent (100%) of the costs of the Upgrades shown as the striped areas on Exhibit "D-2" and shall pay fifty percent (50%) of the costs of the Upgrades as shown on the cross-hatched area of Exhibit "D-2".

(2) 100% of the cost of the acceleration lane, from southbound Tower Oaks Boulevard onto Westbound Wootton Parkway, constructed at Tower-Dawson's request adjacent to the Subject Property.

(3) 100% of the cost of the culvert crossing for the East Access Road, as described in Resolution No. 25-87, if such culvert is subsequently approved by the Mayor and Council and built by the City as requested by Tower-Dawson.

(d) Water Main. Tower-Dawson shall pay Seventy-Four Thousand, Two Hundred Twenty-Six Dollars and Ninety-Three Cents (\$74,226.93) which represents an agreed upon percentage of the average cost per front foot for the water main lying within the entire length of Wootton Parkway, multiplied by the front foot length of the water main that lies within the boundaries of the Subject Property.

4. Tower-Dawson hereby consents to the foregoing special benefit assessment(s) against the Subject Property and waives all legal requirements for a public hearing and notice thereof in connection with the above described assessment(s) and will not contest the levy of the assessment(s) on the Subject Property, or protest, file an appeal or commence any litigation challenging the special assessment(s) resulting from the construction of Wootton Parkway provided the same is consistent with this Agreement.

5. The special benefit assessment(s) described herein may be reallocated by Tower-Dawson to individual parcels of the Subject Property, only with the City's prior written consent, which consent shall not be unreasonably withheld. Such consent shall not be effective as to the City until a written agreement executed by the parties, or their successors and assigns, is recorded among the Land Records of Montgomery County, Maryland. From and after the date of recordation of any such written agreement, each individual parcel of land of the Subject Property shall bear the portion of the special benefit assessment(s) as shall be allocated to it in

said written agreement, and a default in the payment of the portion of the special benefit assessment(s) allocated to any such individual parcel shall not give rise to a default with respect to any other individual parcel nor affect the ownership of and title to any other individual parcel.

6. (a) Tower-Dawson's assessment for the water main is expected to be in the amount of Seventy-Four Thousand, Two Hundred Twenty-Six Dollars and Ninety-three Cents (\$74,226.93). The first assessment to be levied pursuant hereto for Base Wootton Parkway plus the Upgrades is expected to be in the total amount of Three Million, Fifty-Seven Thousand, Eight Hundred Sixteen Dollars and Sixty-nine Cents (\$3,057,816.69). These assessments shall be payable by Tower-Dawson (i) upon levy of such assessment or (ii) over a period of twenty (20) years at an annual interest rate of 6.19%, as set by the Mayor and Council, subject to such additional interest and penalty charges applicable to assessments that are overdue and in arrears.

(b) Subsequent assessments levied pursuant hereto shall be payable by Tower-Dawson (i) upon levy of any such assessment or (ii) over a period of at least ten (10) years or such longer period of time as will relate to the term of the bonds issued to fund such future construction work as may be set by the Mayor and Council under such rates and other terms and conditions that may be set by the Mayor and Council. In the event that Tower-Dawson elects to pay the assessment in installments over a period of time after the assessment is levied, the assessment to be paid by Tower-Dawson shall include the financing charges incurred by the City in connection with financing the costs for the construction giving rise to the special assessment.

7. The City hereby acknowledges that there is presently due to Tower-Dawson the amount of Eight Thousand Five Hundred (\$8500.00) Dollars, which represents costs incurred by Tower-Dawson for the benefit of the City generally and the Wootton Parkway construction specifically, for engineering studies and soils analyses relative to analysis of wetlands, wetlands mitigation, mitigation areas and water quality, all of which were related to and instrumental in the expedited approval from the U. S. Army Corps of Engineers and the State of Maryland of the permits necessary to allow construction of Wootton Parkway. The City shall pay, reasonably promptly, the aforesaid amount to Tower-Dawson upon written request therefor. The City shall also either make direct payment for, or credit against the total assessment payment or, if paid over a period of time, the assessment payment for the year or years in which such costs are expended, the value of land or interests in land, other than the right-of-way for Wootton Parkway, which is provided to the City by Tower-Dawson in the future for facilities related to or required by the construction of, or permits for, said Wootton Parkway, unless the parties agree otherwise. The amount of any such credit(s) or payment(s) shall be considered as part of the overall cost of Base Wootton Parkway as set forth in Paragraph 3 of this Agreement.

8. The City represents that to the best of its knowledge, information and belief, the assessments under this Agreement in excess of the amounts set forth in Paragraph 6 above will only deal with wetlands mitigation (including the cost or value of land and interests in land acquired for wetlands mitigation) and the culvert crossing for the East Access Road.

9. This Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall be a covenant running with the land of the Subject Property.

10. The assessment levied and to be levied pursuant to this Agreement shall be a lien against the Subject Property in the same manner as ad valorem real estate taxes. However, Tower-Dawson Limited Partnership, any of its partners, and any heirs, successors or assigns of any of them shall not be held personally liable for the payment of all or any part of said assessment.

11. This Agreement and any modification or amendment to this Agreement must be in writing and duly executed by all parties hereto and recorded among the Land Records of Montgomery County, Maryland to be effective.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this 18TH day of MARCH, 1993.

ATTEST:

THE MAYOR AND COUNCIL OF ROCKVILLE

Sharon A. Gran
Sharon A. Gran, City Clerk

BY: Bruce Romer
Bruce Romer, City Manager

TOWER-DAWSON LIMITED PARTNERSHIP, a
Maryland Limited Partnership

By: Dawson Development Company Limited
Partnership, its General Partner

Kinda R. Edwards
Witness

BY: Albert Abramson
Albert Abramson, General Partner

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY:

I hereby certify that on this 29th day of March, 1993, before me, the undersigned officer, personally appeared Bruce Romer who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, Maryland, a municipal corporation, and that he as such City Manager being authorized so to do, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, by signing the name of the corporation by himself as City Manager.

In witness whereof, I hereunto set my hand and officials seal.

Anita A. McCombs
Anita A. McCombs Notary Public

My Commission Expires:

10-17-94

STATE OF MARYLAND:

SS:

COUNTY OF MONTGOMERY

I hereby certify that on this 18th day of March, 1993, before me, the undersigned officer, personally appeared Albert Abramson, who acknowledged himself to be the general partner of Dawson Development Company Limited Partnership, a Maryland limited partnership which is the general partner of Tower-Dawson Limited Partnership, a Maryland limited partnership, and that he being authorized so to do, executed the foregoing instrument on behalf of the partnerships for the purposes therein contained, by signing the name of the partnerships by himself as said general partner.

In witness whereof, I hereunto set my hand and official seal.

Linda R. Edwards

Notary Public

My Commission Expires:

August 29, 1993

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© LATEST

GREENHORNE & O' MARRA
15020 SHADY GROVE ROAD.
ROCKY HILL, MARYLAND 201
12011 738-3690

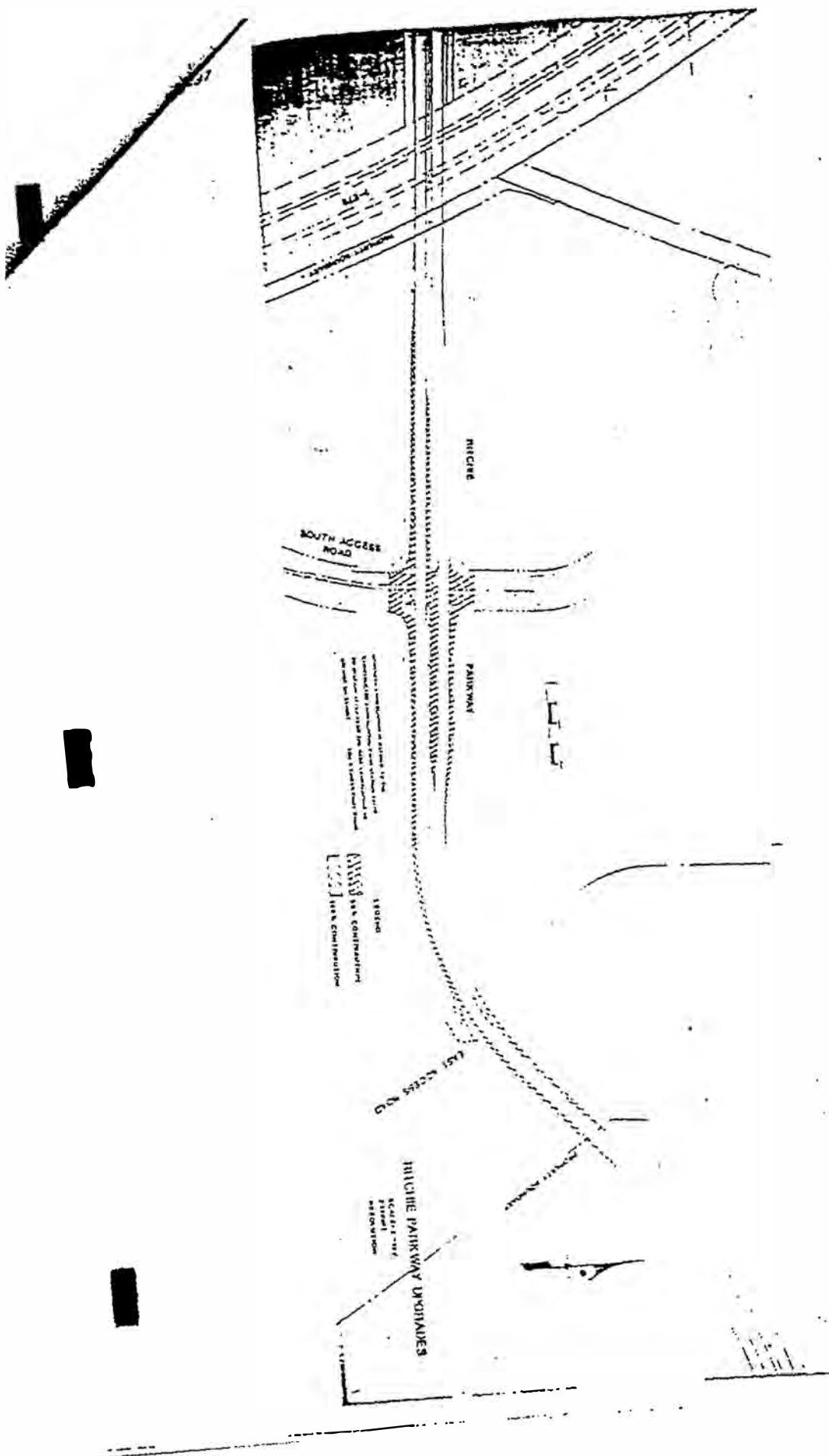


Exhibit "B"

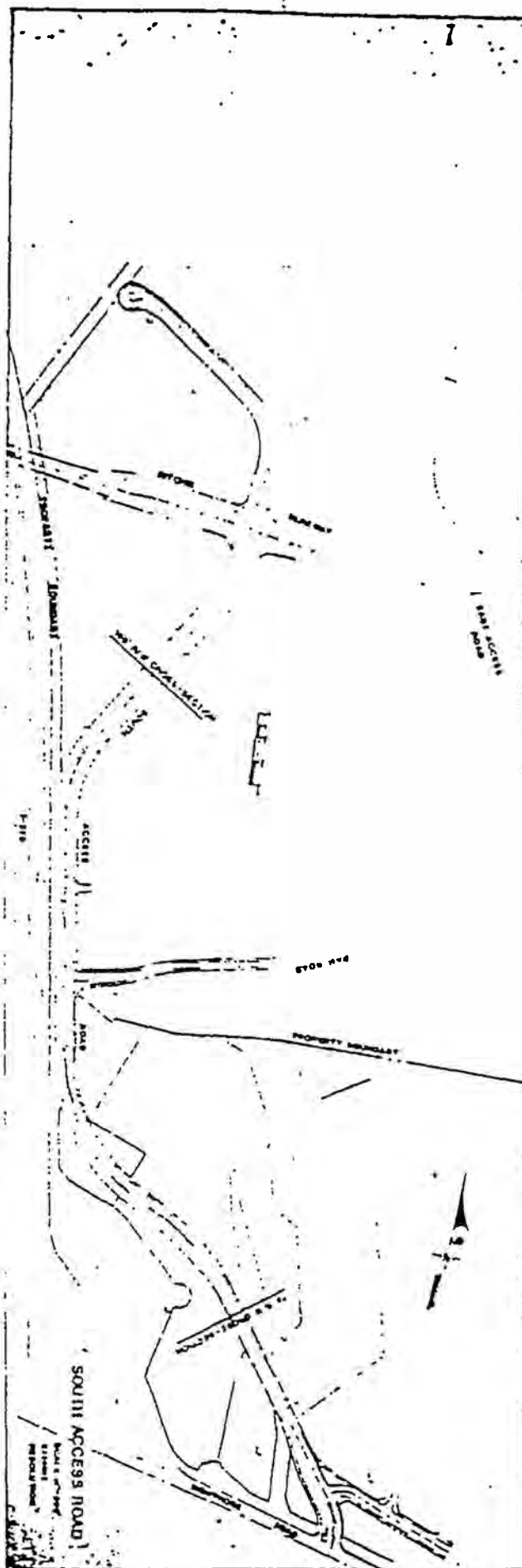
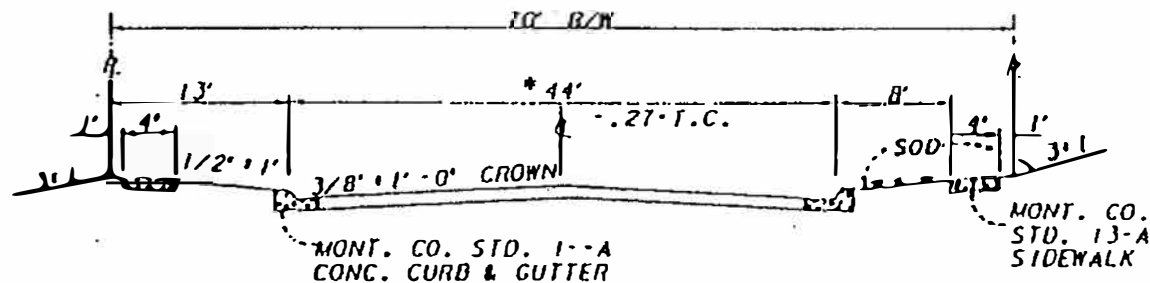


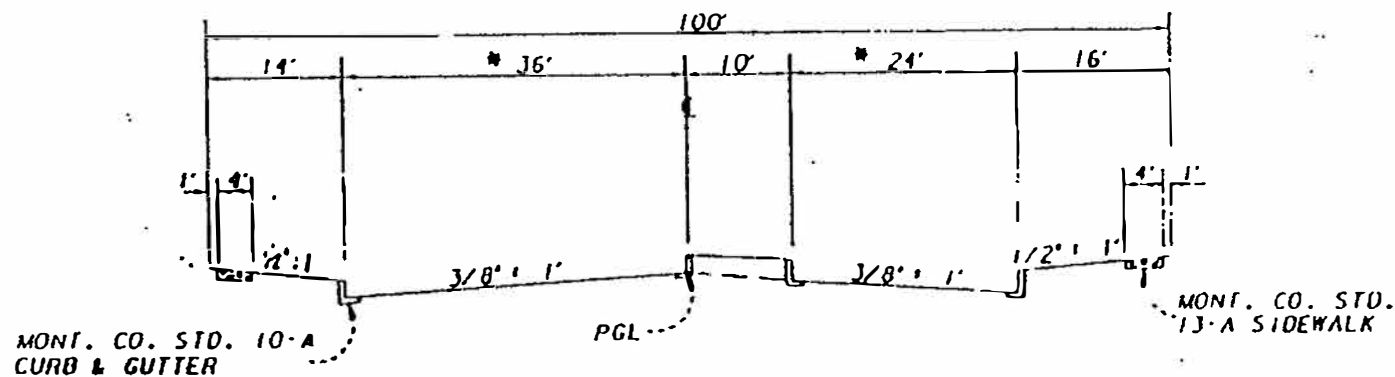
Exhibit "E"

Exhibit "E"



TYPICAL PAVING SECTION 70' R/W

NO SCALE



TYPICAL PAVING SECTION 100' R/W

NO SCALE

NOTE: * Lane width varies for right and left turn lanes

SOUTH ACCESS ROAD
TYPICAL CROSS-SECTIONS

EXHIBIT "F"

Outline Agreement for Future Financing
Agreement between the Applicant and the City
for the Cost of a
Public Regional Stormwater Management Facility

1. This document (the "Outline Agreement") shall constitute the outline of a Financing Agreement to be entered between the Applicant and the City with respect to payment of the Applicant's contributions toward the cost of construction of a public regional Stormwater Management Facility and related dam and other appurtenances (the "Facility"), which Financing Agreement shall be entered into prior to the selection by the City of a consultant to design the Facility, and shall be in a form recordable among the Land Records of Montgomery County, Maryland (the "Financing Agreement") and be a covenant running against the land.

2. Construction of the Facility in accordance with the design provided by the City will be financed and undertaken by the City.

3. Applicant will make a financial contribution to the construction of the Facility in amounts calculated as set forth herein.

4. Applicant will be responsible for its pro rata share of the cost of the Facility without Upgrades (Upgrades are defined in Paragraph 5 herein), (the "Base Facility") in an amount equal to its normal Stormwater Management Fund contribution, calculated as set forth herein (the "Fund Component"). Applicant will also be responsible for the cost of the Upgrades to the Facility

calculated as set forth herein (the "Upgrades Component"). Payment of the Fund Component and the Upgrades Component will be made pursuant to the Financing Agreement, which Financing Agreement will set forth the method of payment in accordance with the parameters of this Outline Agreement.

5. Upgrades Defined.

(a) All features incorporated in the design of any public regional Stormwater Management Facility at the request of Applicant shall be considered as Upgrades, and must be coordinated with, and approved by, the City. Applicant shall be responsible for all costs associated with the Upgrades, including, but not limited to, design and construction. Upgrades shall include, but not be limited to, landscaping (in addition to that provided in the City's design) in accordance with a plan approved by the City and the Maryland Water Resources Administration, and any features or modifications required by the East Access Road (including, but not limited to, expansion or alteration of any related dam and changes to emergency spillway requirements).

(b) The following items shall not be considered as Upgrades:

(1) wetlands determination and permitting needed for construction of any public regional Stormwater Management Facility, unless and to the extent that the cost of such determination and permitting is increased by other Upgrades requested by Applicant;

(2) wetlands mitigation or other measures to accommodate the wetlands impact of the public regional Stormwater Management Facility, excluding additional wetlands mitigation or accommodations required by other Upgrades;

(3) changes that are made in the design or the construction of the public regional Stormwater Management Facility that may be required by agencies or authorities with jurisdiction over said design and construction, excluding any changes in other Upgrades requested by Applicant.

(4) Measures required to accommodate quantity control for stormwater runoff from the Project.

(c) In order for Upgrades to be included in the design of the Facility, Applicant must provide a description of the proposed Upgrades to the City in a timely manner prior to the City's selection of a consultant to design the Facility, so as to avoid delay in selection of the consultant.

6. The total amount of the Fund Component shall be calculated as the estimated total amount of impervious area within the Project to be determined by the parties, multiplied by the Stormwater Management Fund's per acre payment rate (the "Rate") in effect at the time payment of the Fund Component is commenced.

7. The total amount of the Upgrades Component shall be calculated by:

(a) Computing:

(i) the quantities of the materials comprising the Base Facility; and

(ii) the quantities of the materials comprising the Upgraded Facility; and

(b) Securing actual public bid prices for the materials in Paragraph 7(a)(ii) (based on the bid of the lowest responsible bidder) after public bid of the Upgraded Facility; and

(c) Applying the prices from the public bid obtained pursuant to Paragraph 7(b) to the quantities of materials established pursuant to Paragraph 7(a) and multiplying the same to obtain total costs for said materials; and

(d) For any such materials included in the Base Facility which are not included in the Upgraded Facility (and, therefore, not included in the public bid), Applicant and the City, or their designated consultants, will jointly use their best judgment, after consultation with appropriate contractors, to determine mutually agreeable prices for any such materials established pursuant to Paragraph 7(a) and multiplying the same to obtain total cost for said materials; and

(e) Subtract the total cost of the Base Facility computed as the sum of the material prices calculated in Paragraph 7(c) and 7(d), from the actual public bid price of the Upgraded Facility obtained pursuant to Paragraph 7(b), which resulting amount will be the cost of the Upgrades to the Facility.

8. Applicant's total financial contribution to the cost of construction of the Facility will be the sum of the Fund Component and the Upgrades Component (the "Contribution"), which shall be paid as follows:

(a) Payment of the Contribution shall be made on a pro rata annual basis over a period of not less than ten years following commencement of the payment.

(b) Applicant shall commence payment of its Contribution no later than the commencement of construction of the Facility. Interest shall be paid in accordance with Paragraph 8(d).

(c) Applicant may commence payment of the Fund Component prior to commencement of construction of the Facility but not before approval of construction funding for the Facility as a Capital Improvement Project and receipt by the City of all necessary permits for the construction of the Facility, by advising the City and making a pro rata annual payment. Payments made during said time frame shall be without interest.

(d) Applicant will be responsible for payment of interest on the Contribution at a rate sufficient only to cover the City's own financing costs for the equivalent funds (the "Interest"). Interest on the Contributions shall accrue at such time as the City incurs the expense of said Interest by obtaining financing for the construction of the Facility. At such time as payment of Interest and the Contribution begins, said Interest shall be calculated only on the remaining balance due of the

Contribution at such time as the City incurs the expense of said Interest related to the construction of the Facility. In no event shall Interest be paid on more than the total amount borrowed by the City to construct the Facility.

(e) Following commencement of construction of the Facility, the Applicant can prepay all or any part of the principal amount of the Contribution at any time and without any penalty.

9. For any impervious area related to development occurring prior to commencement of construction of the Facility, if the City either (i) accepts from Applicant (a) the waiver fee, or (b) an equivalent amount including interest thereon; or (ii) the Applicant provides permanent stormwater management within the Project area, then Applicant shall receive a credit therefor. To provide such credit, the total estimated impervious area used to calculate the Fund Component in Paragraph 6 hereof, shall be reduced by, or otherwise reflect the amount of impervious area resulting from said development. The parties may also provide for such other equivalent credit as may be mutually agreed upon.

10. Applicant shall receive a credit for permanent stormwater management provided prior to the commencement of construction of the Facility.

11. In the event the Applicant seeks development which would create impervious area over and above the estimate set forth in Paragraph 6 hereof, the Applicant will make payment to

the Stormwater Management Fund at the Rate in effect at the time development permits are granted for any such excess Impervious Acreage, in accordance with normal procedures of the City.

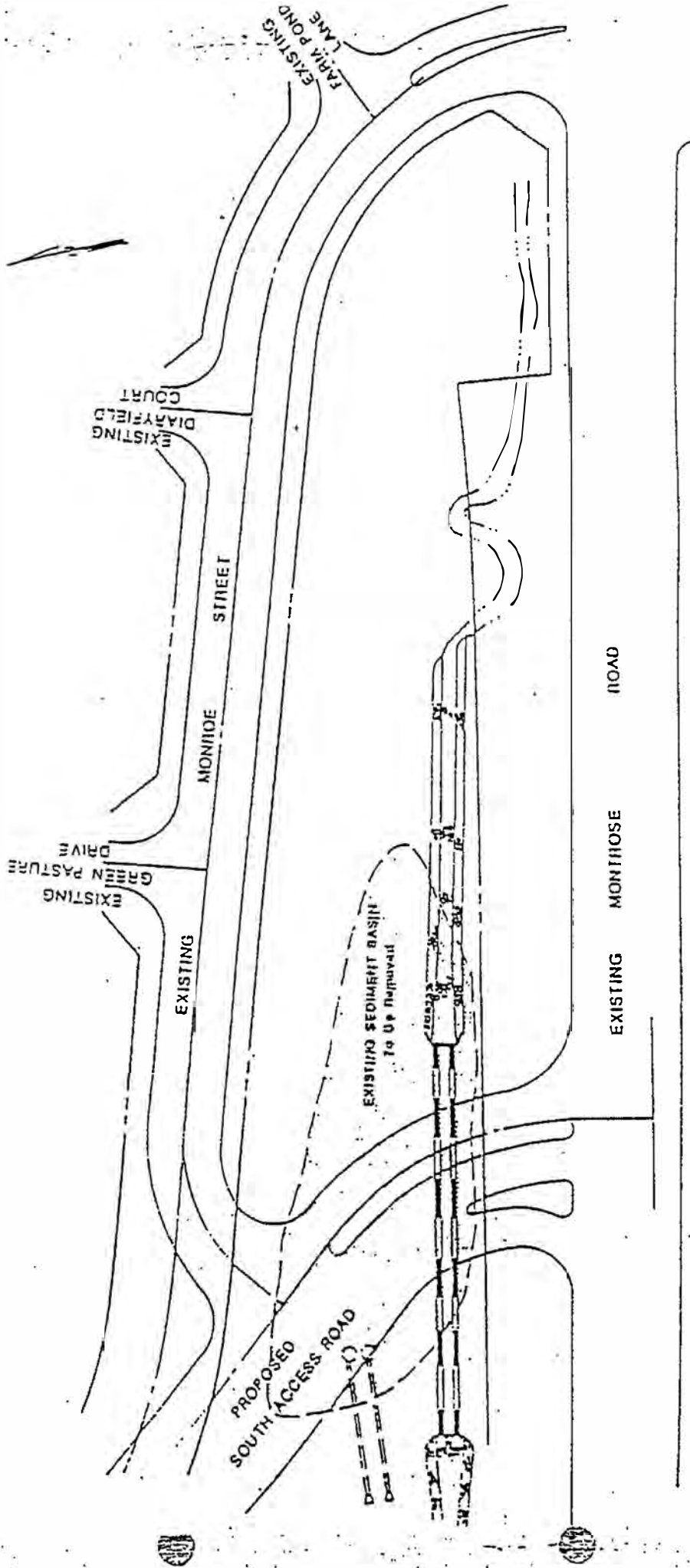
12. The City will commence construction of the Facility promptly following receipt of all necessary permits.

13. Applicant will not receive any credit toward the financing obligation herein for either the land deeded for the Stream Valley Park or for any easements granted to the City or the public.

14. The obligations of the Applicant under the Financing Agreement may be reallocated by the Applicant at its discretion in the future, with consent of the City which consent shall not be unreasonably withheld, conditioned or delayed, to individual parcels of the subject property, so long as the full amount of the obligation then-existing remains obligated.

15. The City will provide releases of the Financing Agreement as needed, including when the same result from reallocation of the Applicant's obligation hereunder within the Property.

Exhibit "G"



LEGEND

- ☐ EXISTING BASIN AREA TO BE REMOVED

NORTH FARM STORMWATER MANAGEMENT POND

SCALE: 1"=90' ±



Greenhorne & O'Mara, Inc.

87 RESEARCH PLACE

ROCKVILLE, MARYLAND 20850-3291

(301) 948-0900

ENGINEERS

ARCHITECTS

PLANNERS

SCIENTISTS

SURVEYORS

PHOTOGRAMMETRISTS

DESCRIPTION

Exhibit "H"

PART OF LOT 23, BLOCK "C"

"WHEEL OF FORTUNE"

PLAT BOOK 26, PLAT 1605

All that piece or parcel of land situate, lying and being in the City of Rockville, Election District No. 4 of Montgomery County, Maryland being a part of Lot 23, Block "C" as delineated on a plat of subdivision entitled "Wheel of Fortune, City of Rockville as recorded in Plat book 26 at Plat 1605; also being all of that same tract of land as conveyed to the State of Maryland as per deed dated July 14, 1953 and recorded in Liber 1816 at Folio 49 all being filed among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at a point at the end of the 26th line of a conveyance by Maury Young, Successor Trustee and Charles Helferstay, Successor Trustee and Successor Trustees of Wondmont Park Property Partnership to Westmont Associates, a Virginia Limited Partnership by deed dated November 1, 1979 and recorded among the aforesaid Land Records in Liber 5425 at Folio 830; thence with and binding on a part of the 26th line reversed of the said conveyance

1. South 53°25'31" East, 106.45 feet to a point; thence
2. South 21°54'30" West, 692.33 feet to a point on the easterly right of way line of the Washington National Pike, I-270 as

GREENHORNE & O'MARA, INC.

delineated on State Roads Commission of Maryland Plats 13352 and 13353 as filed among the records of the Maryland State Highway Administration; thence with and binding on a part of the same

3. North $12^{\circ}30'48''$ West, 591.43 feet to a point; thence leaving said right of way line and running
4. North $62^{\circ}45'56''$ East, 146.41 feet to a point; thence
5. North $70^{\circ}13'56''$ East, 181.50 feet to the point of beginning; containing 132,490 square feet or 3.04155 acres of land.

SUBJECT TO:

Any and all easements, rights of way, covenants and restrictions of record or imposed by law.

Resolution No. 20-16

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2016-00006, an Amendment to the Tower Oaks Planned Development, to allow for up to 375 residential units instead of 755,000 square feet of office development on the east side of Preserve Parkway, EYA Development LLC, Applicant.

WHEREAS, on October 12, 1987, the Mayor and Council approved Resolution No. 25-87 approving Comprehensive Planned Development Application CPD 1-85 for a comprehensive planned development on 192 acres, more or less, known as the Tower Oaks tract, located east of Interstate 270, north and west of Woodmont Country Club, and south of New Mark Commons, in accordance with a plan submitted under the then O-3 Zone, Comprehensive Planned Development Special Development Procedure provisions of the City of Rockville Zoning and Planning Ordinance then in effect (the "Approved Concept Plan"); and

WHEREAS the Approved Concept Plan proposed a major office park development with related services, containing approximately 2.5 million square feet of floor space and a residential component with up to 275 dwelling units; and

WHEREAS, on September 27, 1993, the Mayor and Council approved Resolution 21-93, amending the Approved Concept Plan by eliminating a proposed lake as an element of the Approved Concept Plan, and adding a public parkland element and a potential site for a stormwater management facility; and

WHEREAS, on January 8, 2001, the Mayor and Council approved Resolution No. 1-01, amending again the Approved Concept Plan subject to certain conditions, revisions and

modifications affecting development density, nonresidential floor area, and the public open space; and

WHEREAS, in accordance with the Approved Concept Plan, as amended, development is allocated among seven (7) Development Areas as shown on Exhibit "A" to the Approved Concept Plan; and

WHEREAS, in accordance with the Approved Concept Plan, development of 945,000 gross square feet of office use with a maximum building height of 125 feet is permitted within Development Area 5, as shown on Exhibit "A" to the Approved Concept Plan; and

WHEREAS, in 2008, an approximately 190,000 square foot office building and structured parking garage was constructed on 10.82 acres of land located within Development Area 5 (the "Existing Office Building"); and

WHEREAS, approximately 755,000 square feet of approved but unbuilt office density remains in Development Area 5 (the "Remaining Office Density"); and

WHEREAS, on August 27, 2015, EYA Development, LLC (the "Applicant") filed Project Plan Application PJT2016-00006 (the "Project Plan Application" or "Application"), pursuant to Sec. 25.14.07.e of the Zoning Ordinance, proposing to amend the Approved Concept Plan to allow for the development of a maximum of 375 dwelling units, including a minimum of 12.5% Moderately Priced Dwelling Units ("MPDUs"), and associated amenities and infrastructure (the "Residential Project") on an area consisting of the remaining 40.74 acres of unimproved land within Development Area 5 as delineated in the Land Use Plan of the Tower Oaks Planned Development ("Land Use Plan") included with the Application and attached hereto as Exhibit "1" (the "Property"); and

WHEREAS, the Residential Project is proposed as an alternative to the development of the Remaining Office Density on the Property; and

WHEREAS, the approvals, development standards and conditions contained in this Resolution apply only to the development of the Residential Project on the Property; and

WHEREAS, pursuant to Section 25.05.03.c and 25.07.03 of the Zoning Ordinance, the Planning Commission at its meeting on April 13, 2016, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application subject to several conditions; and

WHEREAS, pursuant to Section 25.05.03c of the Zoning Ordinance, a duly noticed public hearing on the Application was held by the Mayor and Council on June 6, 2016; and

WHEREAS, at its August 1, 2016 meeting, the Mayor and Council found and determined that approval of the Application would promote the health, safety and welfare of the citizens of Rockville, and the Mayor and Council made further findings set forth herein, based upon information presented and testimony provided as contained in the public record; and

WHEREAS, the Mayor and Council, find and determine, pursuant to Section 25.07.01.b.2 of the Zoning Ordinance, in consideration of the Application, subject to the conditions, limitations, additions, and modifications set forth herein, as follows:

1. The Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development: Approval of the Residential Project pursuant to the Project Plan Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development. The proposed change from an office to residential use will actually decrease the potential traffic on the road infrastructure in this area. The Applicant will also work with the County to provide Ride-On

Service or provide a shuttle or circulator vehicle for residents to have access outside the Residential Project without the use of private vehicles. In addition, the proposed residential buildings will be less visible from surrounding areas than the approved multiple office buildings, which could have been up to 125 feet in height.

Further, the Residential Project proposes a minimum of 68% open space and approximately 14,690 square feet of public use space which will provide opportunities for activities among the residents and create a sense of community. Additionally, access onto and throughout the residential community will be created via an efficient and safe network of primary and secondary residential streets and alleys. Given these factors, there is no evidence that the Residential Project will adversely affect the health or safety of persons residing or working in the neighborhood.

The Residential Project's stormwater management system meets or exceeds the City Code's requirements. The stormwater system utilizes Environmental Site Design (ESD) to the Maximum Extent Possible (MEP), and the approved Stormwater Concept Plan demonstrates that the Residential Project accommodates 100 percent of the target treatment volume through ESD measures for on-site areas of development. The stormwater system uses a number of innovative techniques such as micro-bioretenention (rain gardens), bio-swales and infiltration through the use of drywells, all of which address stormwater and environmental concerns.

2. The Application will not be in conflict with the Master Plan:

The Master Plan as approved and adopted on November 12, 2002, assigned the land use designation of the subject property as "Comprehensive Planned Development", reflecting the policy that the approved Tower Oaks development configuration reflects the City's long-term land use policy for the area. The Residential Project is consistent with the Plan's long-term

policy to minimize traffic congestion in the area by significantly reducing peak hour trips beyond what was previously approved for this site. In addition, the Residential Project encourages an appropriate balance of office and residential uses and an emphasis on mixed-use development for the Tower Oaks Planned Development. The Planned Development currently includes a residential component and the Application will further Master Plan goals to create a balance between different housing types, increase opportunities for home ownership, and ensure a mixture of housing types and price ranges to meet diverse needs of the City's population.

3. The Application will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted Adequate Public Facilities Standards: The original Adequate Public Facilities determination contained in Resolution No. 1-01 remains valid and in effect pursuant to Sec. 25.20.03.a.3 of the Zoning Ordinance. Even if the Plan were subject to a new Adequate Public Facilities review, the Residential Project would not burden the traffic and transportation infrastructure because its net effect would result in a reduction of 1,900 peak hour trips per day as compared to the remaining office density. Moreover, all of the off-site transportation infrastructure required to support the Residential Project (as well as the Remaining Office Density) has already been constructed and is in use.

With regard to public schools, the Property is located in the Richard Montgomery Cluster and school capacity in the test year specified by the APFS for each level (2021), with the addition of students projected to be generated by the Residential Project, is adequate at the elementary school level (95.4%), middle school level (96.9%) and high school level (112.2%).

With regard to water and sewer facilities, the Property is served with public water and sewer. The allocation of sewer capacity from the approved office use in Development Area 5 is

adequate for the Residential Project and is reserved for use by the Residential Project. Adequate water service also exists for the Property. Finally, at least two Fire and Rescue Service stations are within the required ten minute response time. Consequently, Fire and emergency services are adequate for the Residential Project.

4. The Application will not constitute a violation of any provision of the Zoning Ordinance or other applicable law: The Residential Project does not violate any provisions of the Zoning Ordinance. The Property is zoned PD-TO (Planned Development -- Tower Oaks). The Residential Project will be developed in accordance with development standards set forth in the Land Use Plan, Exhibit "1", which represent waivers of the equivalent zone development standards for the RMD-10 and RMD-25 Zones that would otherwise apply. The waivers are granted based on the compatibility of the proposed development with the existing development in Tower Oaks as well as their consistency with good planning and design principles.

5. The Application will not adversely affect the natural resources or environment of the City or surrounding areas: The Residential Project will preserve and enhance the natural resources or environment of the City and surrounding areas. The Residential Project incorporates numerous tree saving measures by retaining 14.20 acres of existing forest on-site and by including a tree buffer between the Residential Project and Woodmont Country Club to the east and south. This is in addition to incorporating ESD into the Residential Project's stormwater management system that will target 100 percent of the target treatment volume on-site.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Project Plan Application PJT2016-00006, an amendment to the Planned Development of Tower Oaks initially approved by Resolution No. 25-87,

amended by Resolution No. 21-93, and further amended by Resolution No. 1-01 (collectively previously defined herein as the “Approved Concept Plan”), be and the same is hereby approved, in accordance with the following terms, conditions and limitations:

1. All conditions of the Approved Concept Plan, as amended, shall remain in effect except as specifically modified by this Project Plan Application and the conditions hereinafter set forth. The approvals, development standards and conditions contained in this Resolution apply only to the development of the Residential Project on the Property. In reviewing any future site plan for compliance with this amendment, the site plan shall be generally compliant with the referenced exhibits. For the purposes of this Resolution, the approved Project Plan Application shall mean this Resolution and all Exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions and writings on the Exhibits:

<u>Exhibit “1”</u>	Land Use Plan of the Tower Oaks Planned Development, PP 2.0
<u>Exhibit “2”</u>	Project Plan Sheets, PP 1.0, 2.1, 2.2 and 2.3
<u>Exhibit “3”</u>	Preliminary Forest Conservation Plan Sheets, PFCP-5.0 – 5.5
<u>Exhibit “4”</u>	Forest Conservation Plan Area 1 Sheet, PFCP-5.1
<u>Exhibit “5”</u>	Forest Conservation Plan Area 2 Sheet, PFCP-5.2
<u>Exhibit “6”</u>	Forest Conservation Plan Area 3 Sheet, PFCP-5.3
<u>Exhibit “7”</u>	Preliminary Forest Conservation Tree List and Worksheet Sheet, PFCP-5.4
<u>Exhibit “8”</u>	Preliminary Forest Conservation Notes and Worksheets Sheet, PFCP-5.5
<u>Exhibit “9”</u>	Concept Landscape Plan Sheet, L-4.0

- Exhibit “10” Recreation Area Exhibit Sheet, L-4.1
- Exhibit “11” Concept Park Detail Plan Sheet, L-4.2
- Exhibit “12” Circulation Exhibit Sheet, EXH-8.0
- Exhibit “13” Preliminary Open Area Exhibit Sheet, EXH-8.1
- Exhibit “14” Street Section Exhibit Sheet, EXH-8.3

2. DEVELOPMENT DENSITIES AND LAND USE

A. Land Use Plan.

The Land Use Plan, Exhibit “1”, is the approved Land Use Plan for development of the Residential Project on the Property, and it reflects the amended land use designations and provides the development standards for the Residential Project. Any site plan application submitted shall be generally consistent with the approved concept layout.

B. Allowable Land Uses and Densities.

The Property is approved for the development of the Residential Project with a maximum of 375 dwelling units consisting of a mix of townhouses, single unit detached dwellings, and multi-unit dwellings, of which a minimum of 12.5% and a maximum of 13.5% of the total number of units constructed will be provided as MPDUs, subject to Section 2H below.

The permitted mix of unit types is set forth on the Development Standards table on the Land Use Plan, Exhibit “1”. The maximum height of the townhouses and single family homes to be constructed will be 50 feet, and the maximum height of the multi-family buildings will be 80 feet. The Property is also approved for the development of associated amenities to include a community center, which shall include a suitable

general market for the convenience of residents, a swimming pool, and active and passive recreation spaces.

The Remaining Office Density may be constructed on the Property as an alternative development option in the event the Property is not developed with residential uses and subject to Site Plan approval (the "Office Option"). The Development of the Remaining Office Density on the Property must comply with the applicable requirements of the Approved Concept Plan. The Office Option will terminate immediately and automatically upon the earlier to occur of the issuance of a building permit for a residential dwelling unit on the property, or five (5) years from the date of approval of the first Site Plan for residential development on the property. If the Office Option is terminated, nothing herein shall prevent an owner of the Property from seeking any necessary development approvals for any use permitted on the Property pursuant to the applicable provisions of the Rockville Zoning Ordinance.

C. Park and Recreation

The Residential Project will provide active and passive recreation spaces, open areas, public use spaces, and park areas as shown on Exhibit "9" (Concept Landscape Plan Sheet, L-4.0), Exhibit "10" (Recreation Area Exhibit Sheet, L-4.1), Exhibit "11" (Concept Park Detail Plan Sheet, L-4.2), Exhibit "12" (Circulation Exhibit Sheet, EXH-8.0), and Exhibit "13" (Preliminary Open Area Exhibit Sheet, EXH-8.1).

D. Forest and Tree Preservation

(i) The City has approved the Applicant's Preliminary Forest Conservation Plan, attached as Exhibit "2" (Project Plan Sheets, PP-01.0 – 2.3), Exhibit "3" (Preliminary Forest Conservation Plan Sheets, PFCP-5.0 – 5.5), Exhibit "4" (Forest

Conservation Plan Area 1 Sheet, PFCP-5.1), Exhibit “5” (Forest Conservation Plan Area 2 Sheet, PFCP-5.2), Exhibit “6” (Forest Conservation Plan Area 3 Sheet, PFCP-5.3), Exhibit “7” (Preliminary Forest Conservation Tree List and Worksheet Sheet, PFCP-5.4), and Exhibit “8” (Preliminary Forest Conservation Notes and Worksheets Sheet, PFCP-5.5). In accordance with the overall Preliminary Forest Conservation Plan for the Tower Oaks Comprehensive Planned Development approved June 21, 1995, the Applicant shall retain and leave undisturbed a minimum of 14.2 acres of existing forest in the locations shown on Exhibits “2”-“8” and shall place the retained forest in a conservation easement.

(ii) The Applicant shall plant all of the required significant replacement trees on the Property.

E. Design Guidelines.

Landscaping for the Residential Project shall generally comply with the Concept Landscape Plan Sheet, L-4.0, Exhibit “9”. Lighting for the Residential Project shall be reviewed at the time of Site Plan.

F. Roads and Access

(i) Applicant’s request for a waiver from Chapter 21 of the City of Rockville Code titled “Streets and Public Improvements” was approved by the Mayor and Council on July 11, 2016 (the “Road Code Waiver”). Primary and secondary residential public roads and residential alleys for the Property shall comply with attached Exhibit “14”, Street Section Exhibit Sheet, EXH-8.3 and the approved Road Code Waiver.

(ii) The Applicant shall dedicate to the City the portion of the existing private driveway located on the northern edge of Property (the “Driveway”), and, if necessary, bring the dedicated portion of the Driveway up to City standards for public roads. The

Applicant shall further make best efforts to work with the owner of the adjacent property at 1 Preserve Parkway to dedicate the entire width of the Driveway to the City and bring the driveway up to City standards for public roads or, in the alternative, provide appropriate easements to cover the full width of the Driveway to allow for public access and maintenance. If dedication or easements cannot be acquired from the adjacent property owner, the Applicant shall be required to accommodate the need for continuous public access, to be reviewed as part of the Site Plan process.

(iii) The water line within the Driveway shall become a public main at the time of right-of-way dedication or easement recordation for public access if proposed to serve the Residential Project. If the waterline is not being proposed to serve the Residential Project, but is located within a dedicated right-of-way, it shall become a public main at dedication. A public main must be constructed to public standards. Applicant shall pay the costs for reconstruction of all or portions of the existing waterline.

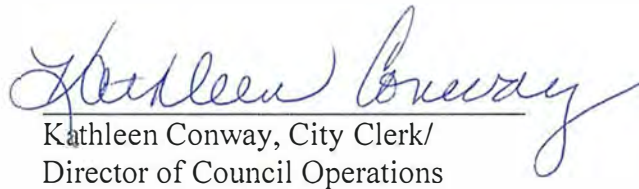
G. Shuttle/Circulator Vehicle

The Applicant shall request that the County extend Ride-On bus service onto Preserve Parkway, with a bus stop inside the Residential Project and/or at the entrance on Preserve Parkway. If at the time of Final Site Plan Approval the Applicant is not able to obtain confirmation that the County will extend Ride-On bus service to the Residential Project, then the Applicant shall provide a shuttle or circulator vehicle that provides residents access to areas outside the Residential Project. The shuttle or circulator for the Residential Project will be provided by the time 50% of the occupancy permits have been issued.

H. Moderately Priced Dwelling Units (MPDUs)

If the applicant receives Final Site Plan approval for at least 336 units in substantial conformance with the layout and unit mix approved by the Project Plan Amendment, then the applicant shall provide 13.5% of the total units approved as townhouse MPDUs. The final MPDU locations will be determined at the time of site plan submission and will be integrated throughout the townhouse portion of the project. The MPDUs will not be provided as single unit detached dwellings, or multi-unit dwellings.

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 August 1, 2016.


Kathleen Conway, City Clerk/
Director of Council Operations

GENERAL NOTES

1. THE SUBJECT PROPERTY IS APPROXIMATELY 6.1 ACRES.
2. THE SUBJECT PROPERTY IS ZONED PD - TO TOWER OAKS ZONE.
3. THE SUBJECT PROPERTY IS LOCATED WITHIN THE C&N JOHN WATERSHED USE II AND IS IN ZONE "AE" AREA (LESS THAN 2% ANNUAL CHANCE OF 10000 IS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 243123124D, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 23, 2006.
4. 100-YEAR FLOODPLAIN BOUNDARY SHOWN HEREIN IS PROVIDED BY VYRA MARYLAND, LLC AND TAKEN FROM FEMA FIRM MAP 243123124D DATED SEPTEMBER 23, 2006.
5. THERE ARE NO WATERS OF THE U.S. OR NONTIDAL WETLANDS LOCATED ON THE SUBJECT PROPERTY. ONE NONTIDAL WETLAND WITHIN 100' OF THE SUBJECT PROPERTY AND C&N BRANCH IS LOCATED AS CLOSE AS 100 FEET FROM THE PROJECT AREA.
6. AN INDUSTRY WAS BEEN SENT TO THE WATERSHED AND HERITAGE DIVISION OF THE MD DNR (DNR) TO DETERMINE IF THERE ARE ANY FEDERAL OR STATE RECORDS OF RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE 100' STUDY AREA. IN A RESPONSE LETTER FROM DNR DATED NOVEMBER 30, 2022 NOTED THAT THEY HAVE NO SPECIFIC CONCERNS REGARDING POTENTIAL IMPACTS TO RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE PROJECT SITE.
7. A "T" TAPE WAS USED TO MEASURE TREES.
8. NO HISTORIC OR CULTURAL FEATURES ARE LOCATED ON THE SUBJECT PROPERTY.
9. FOREST STAND DELINEATION FIELD WORK WAS CONDUCTED BY SEAN MCDONOUGH OF WATERSHED ENVIRONMENTAL, LLC, ON SEPTEMBER 22, 2022.
10. WETLAND AND WATERSHEDS DELINEATION COMPLETED BY SEAN MCDONOUGH OF WATERSHED ENVIRONMENTAL, LLC IN FEBRUARY 2023 AND WAS FIELD SURVEYED BY VYRA MARYLAND, LLC.
11. THE HORIZONTAL DATUM IS NAD83/2011. VERTICAL DATUM IS BASED ON NAVD83 DATUM. TOPOGRAPHIC AND BOUNDARY INFORMATION ARE BASED ON COUNTY GIS DATA.
12. SIGNATURE AND SPECIMEN TREES SHOWN HEREIN. SPECIES LOCATED BY VYRA MARYLAND, LLC. THE LOCATION OF SPECIMEN TREE 379 HAS BEEN APPROXIMATED AND WILL BE FIELD LOCATED BY VYRA PRIOR TO SUBMITTAL OF FINAL FOREST CONSERVATION PLAN AND FINAL SITE PLAN. OFF SITE TREES AND STREET TREES ARE SHOWN IN THE APPROXIMATE LOCATIONS BASED ON VISUAL OBSERVATIONS. C&N TREE BATHING DATA SUMMARY SHEETS WERE PREPARED BY WATERSHED ENVIRONMENTAL AND SUBMITTED WITH THIS PLAN. CRITICAL ROOT ZONES WERE CALCULATED BY VYRA MARYLAND, LLC. SEE TREE TABLE.
13. STEEP SLOPES WITHIN THE INVENTORY AREA HAVE BEEN INDICATED ON THE PLAN.
14. TWO AREAS MEETING THE TECHNICAL DEFINITION OF FOREST WERE IDENTIFIED ON THE SUBJECT PROPERTY.
15. STATE WILL REQUIRE GEO-TECHNICAL REPORT PREPARED BY A PROFESSIONAL ENGINEER/GEOLOGIST AS A CONDITION OF FINAL FOREST CONSERVATION PLAN APPROVAL.

SITE DESCRIPTION

The subject site is located at 2200 Tower Oaks Boulevard and is further identified as Tax Map GQ33 Grid 000 Parcel 140. The project area is situated on the southeast corner of Tower Oaks Boulevard and Western Parkway in the City of Rockville, Montgomery County, Maryland.

The existing landscape of the project area is a mixture of existing parking and access road, landscape, and forest. Topography has a southerly aspect and is gently sloping from the high point of the project site at Western Parkway to the low point at the southern property boundary. The site is situated in the Middle Potomac River watershed, more specifically Cabin John Creek. Forest Stand Delineation and Trees survey was conducted by Watershed Environmental, LLC on September 22, 2022. The wetland and waterway delineations used in the preparation of this plan were prepared by Site Solutions, Inc. in April of 2021, which found no nontidal wetland or waters of the U.S. within the project area. Watershed 1 is nontidal. 11C confirmed that there are no nontidal wetlands or waters of the U.S. on the project site.

Measured trees on site are Glencely silt loam (2B), Galka silt loam (1C), Brinklow-Blocktown channel silt loam (16D), Barle silt loam (6A), and Hatboro silt loam (54A).

A diameter tape was used to measure the diameter at breast height (DBH) of significant and specimen trees. A request letter was sent to the Maryland Department of Natural Resources Natural Heritage Program to determine if this site is within a Sensitive Species Protection Review Area. No Rare, Threatened or Endangered Species were observed on the subject property. The response from the Department of Natural Resources will be forwarded upon receipt.

Two forest stands exist on the project site, one on the west and the other on the east side of the project site. A total of 180 trees (57) significant and specimen trees were identified and tagged during the site investigation.

LAND CHARACTERISTICS

The site contains 1.9 acres of forest and is broken into two forest stands.

Forest Stand 1 - Tulip Poplar Forest - 1.64 acres

Forest Stand 1 is a mid-successional forest situated on the eastern portion of the project area. The canopy is a mixture of Tulip Poplar (*Liriodendron tulipifera*) with sparse Red Maple (*Acer rubrum*) in association. Understory species were dominated by Tulip Poplar and Red Maple with a shrub layer composed of Spicebush (*Lindera spicata*) and Winterberry (*Ilex verticillata*). The herbaceous layer was sparse with Japanese Sph. Grass (*Imperata cylindrica*). The stand exhibits canopy closure of ~85% with moderate to light dappled woody debris throughout.

Forest Stand 2 - Tulip Poplar Forest - 0.25 acres

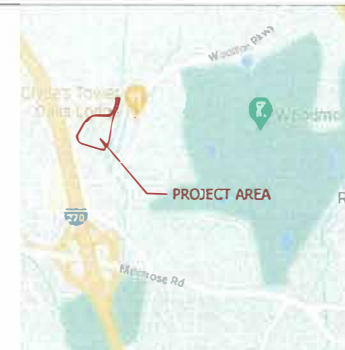
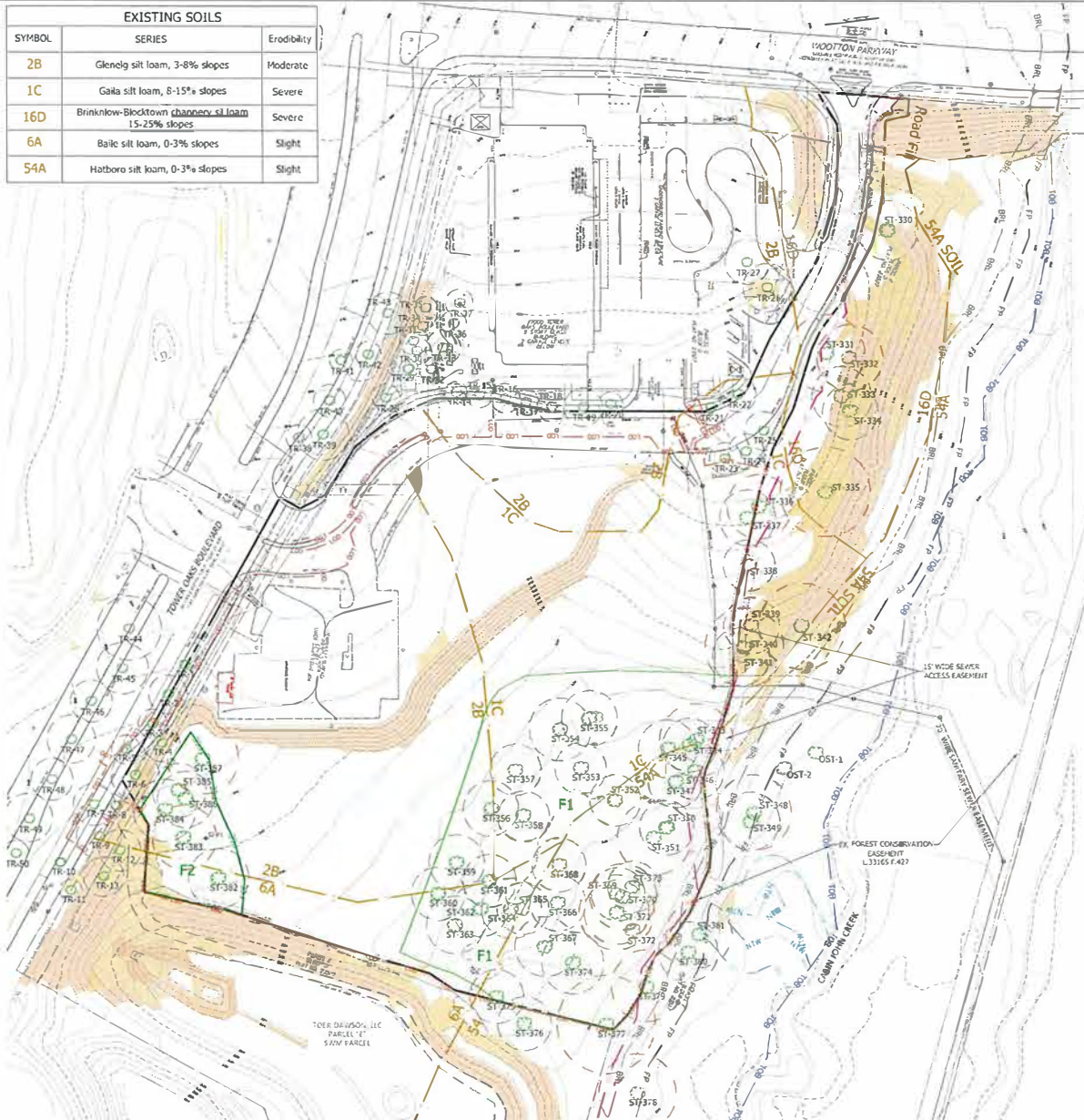
Forest Stand 2 is similar to Forest Stand 1, is mid-successional forest located on the western portion of the project site. The canopy is a mixture of Tulip Poplar (*Liriodendron tulipifera*). Understory species were dominated by Tulip Poplar and Red Maple with a shrub layer composed of Spicebush (*Lindera spicata*) and Winterberry (*Ilex verticillata*). The herbaceous layer was sparse with Japanese Sph. Grass (*Imperata cylindrica*). The stand exhibits canopy closure of ~85% with moderate to light dappled woody debris throughout. This forest stand appears to be within an existing forest conservation easement.

RESOURCE DATA TABLE

ACREAGE OF TRACT (GROSS AREA)	6.1
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0.0
ACREAGE OF TOTAL EXISTING FOREST	1.9
ACREAGE OF 100-YEAR FLOODPLAIN	0.0
ACREAGE OF FOREST WITHIN 100-YEAR FLOODPLAIN	0.0
ACREAGE OF NONTIDAL WETLANDS	0.0
ACREAGE OF ENVIRONMENTAL BUFFERS	0.31
ACREAGE OF FOREST WITHIN ENVIRONMENTAL BUFFERS	0.13
LINEAR FEET AND AVERAGE WIDTH OF ENVIRONMENTAL BUFFER PROVIDED	LF = 234 WIDTH = 58

EXISTING SOILS

SYMBOL	SERIES	Erodibility
2B	Glencely silt loam, 3-8% slopes	Moderate
1C	Galka silt loam, 8-15% slopes	Severe
16D	Brinklow-Blocktown channel silt loam 15-25% slopes	Severe
6A	Barle silt loam, 0-3% slopes	Slight
54A	Hatboro silt loam, 0-3% slopes	Slight



VICINITY MAP

SCALE: 1"=1000'

LEGEND

- PROPERTY BOUNDARY
- EXISTING CONTOURS
- EXISTING CANOPY EDGE
- SOIL BOUNDARY
- TOP OF BANK - WATERS OF THE U.S.
- N1, N2 NONTIDAL WETLANDS
- W1, W2 WETLAND BUFFER
- F1, F2 EX. FOREST CONSERVATION EASEMENT
- S1, S2 CALCULATED STREAM BUFFER
- F1, F2 100-YEAR FLOODPLAIN
- BRL 100-YEAR FLOODPLAIN BUILDING RESTRICTION LINE
- L100 PROPOSED LIMITS OF DISTURBANCE
- F1** FOREST STAND NUMBER
- F1** FOREST STAND BOUNDARY AND HATCH
- 15 - 25 %** SLOPES
- 25% OR GREATER SLOPES**
- +** FOREST PLOT SAMPLE POINT
- ST-331** SIGNIFICANT/SPECIMEN TREE WITH CRITICAL ROOT ZONE
- TR-1** STREET TREE WITH CRITICAL ROOT ZONE

CASE NUMBER FTP2001-00005

APPROVED BY
CITY OF ROCKVILLE
PLANNING AND
DEVELOPMENT SERVICES

10/17/2023

DATE SIGNED

10/17/2023

DATE APPROVED

AS DIRECTED



SCALE: 1"=50'

SEAN MCDONOUGH
WATERSHED ENVIRONMENTAL, LLC

REVISIONS	INITIALS:
DATE: REVISION:	
2/13/23 PER 1/9/2023 COMMENTS	SFM
8/7/23 PER 7/6/2023 COMMENTS	SFM
9/25/23 PER 9/11/2023 COMMENTS	SFM

WATERSHED ENVIRONMENTAL, LLC
Natural Resource Consulting • Wetlands • Forests • Streams
1306 Knapp Road, Jarrettsville, MD 21084
Mail P.O. Box 762, Jarrettsville, MD 21084
Phone: 410-264-6290
Email: sean@watershed.com

VYRA
VYRA MARYLAND, LLC
20251 CENTURY BOULEVARD
GERMANTOWN, MD 20874
301-916-4100

PLAN PREPARED FOR:

VYRA MARYLAND, LLC
20251 CENTURY BOULEVARD
GERMANTOWN, MD 20874
301-916-4100

OCTOBER 2022

TOWER OAKS BOULEVARD NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

TAX MAP GQ33 GRID 000 PARCEL 14046

CITY OF ROCKVILLE, MONTGOMERY COUNTY, MD

PROJECT #: 2210 DATE: 2/13/23 DRAWN BY: SFM CHECKED BY: NFM SHEET 3 OF 3

^aSignificant difference between trees (after 1000 and 5000 iterations) with the linear approximation.

YEAR	EDRS	SPONSORING AGENCY	COMPANY NAME	ON-ROAD	TEST DURING	Notes
1971	11	U.S. Highway	Auto. Corp.	44	0	U.S. Highway
1972	12	U.S. Highway	Auto. Corp.	44	0	U.S. Highway
1973	13	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1974	14	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1975	15	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1976	16	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1977	17	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1978	18	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1979	19	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1980	20	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1981	21	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1982	22	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1983	23	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1984	24	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1985	25	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1986	26	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1987	27	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1988	28	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1989	29	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1990	30	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1991	31	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1992	32	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1993	33	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1994	34	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1995	35	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1996	36	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1997	37	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1998	38	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
1999	39	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2000	40	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2001	41	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2002	42	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2003	43	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2004	44	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2005	45	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2006	46	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2007	47	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2008	48	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2009	49	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2010	50	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2011	51	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2012	52	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2013	53	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2014	54	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2015	55	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2016	56	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2017	57	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2018	58	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2019	59	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2020	60	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2021	61	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2022	62	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2023	63	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2024	64	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2025	65	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2026	66	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2027	67	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2028	68	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2029	69	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2030	70	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2031	71	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2032	72	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2033	73	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2034	74	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2035	75	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2036	76	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2037	77	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2038	78	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2039	79	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2040	80	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2041	81	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2042	82	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2043	83	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2044	84	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2045	85	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2046	86	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2047	87	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2048	88	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2049	89	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2050	90	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2051	91	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2052	92	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2053	93	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2054	94	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2055	95	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2056	96	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2057	97	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2058	98	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2059	99	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.
2060	100	Auto. Corp.	Auto. Corp.	44	0	Auto. Corp.

PROJECT # 2210	DATE: 2/15/23	DRAWN BY: SFM	CHECKED BY: JDM	SHEET 2 OF 2
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'Exhibit H'



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

July 11, 2023

Mr. Harris Schwalb
Michael Harris Properties, L.L.C.
One Preserve Parkway, Suite 750
Rockville, Maryland 20852

SUBJECT: 2200 Tower Oaks Boulevard – Tower Oaks Preserve – Water and Sewer Authorization, Capacity, and Service; WSA2023-00002, PJT2023-00015

Dear Mr. Schwalb:

A conditional water and sewer authorization is being granted based on the Site Plan Application and the Water and Sewer Authorization (WSA) Application to utilize City of Rockville (City) water and sewer for the above referenced project.

EXISTING CONDITIONS

The development project is located at 2200 Tower Oaks Boulevard, Parcel D, Block D of the Tower Oaks Subdivision within the Cabin John sewer shed. The site is currently vacant and proposed development consists of a new subdivision with townhouse residential use and public infrastructure. An existing 12-inch City water main is in the adjacent Tower Oaks Boulevard Right-of-Way (ROW) and a 10-inch private sewer main is in an offsite private sewer easement (Plat 23507) as shown on the attached exhibit (Tower Preserve Project Plan) dated May 2023.

DEVELOPMENT APPLICATION

According to your application, the development consists of the following uses*:

- Existing Use (previously approved under CPD2005-0001M and unbuilt):
 - Hotel – 177,100 square feet (sq. ft.) – 65,173 gallons per day (gpd).
 - Multi-Family Dwelling – 100 units – 15,000 gpd.
 - Fitness Center – 75,000 sq. ft. – 21,600 gpd.
- Proposed Use:
 - Townhouse – 82 units – 17,630 gpd.

*Flows are based on 2017 WSSC Design Guidelines Appendix C

Mr. Harris Schwalb

July 11, 2023

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According to your site plan and WSA application, water service connections to existing public mains in the Tower Oaks Boulevard ROW and sewer service connections to existing infrastructure in the Cabin John stream valley, are proposed as follows:

- **Water** – The project proposes a network of eight-inch public water mains throughout the proposed public ROW within the development. The proposed eight-inch water mains connect to the existing City 12-inch main in two locations on Tower Oaks Boulevard.
- **Sewer** – The project proposes a network of eight-inch public sanitary sewer mains throughout the proposed public ROW within the development. The proposed eight-inch sewer mains connect to an existing 10-inch private sewer main also serving 2000 Tower Oaks Boulevard. This private sewer main is in an existing private access drive and continues through the subject and adjacent properties within private easements before connecting to an existing 18-inch public sewer trunk in the stream valley. The existing private access drive will be dedicated to the City as public ROW and the stream valley (Parcel F) is also proposed to convey to the City; therefore, the private sewer main shall similarly be conveyed to the City as a public sewer main.

FINDINGS

Adequate Public Facilities

The City's Adequate Public Facilities Ordinance (APFO) and of the Rockville City Code, Chapter 24 requires water and sewer infrastructure to be assessed for adequacy whenever a proposed development is being considered for approval. A finding is required that public water and sewer facilities are adequate, which may include mitigating the impacts needed to comply with the level of service established in the Water and Sewer Adequacy Standards per the Code, Section 24-12. The Department of Public Works (DPW) finding as follows:

Water

- **Treatment Capacity** – The City's water supply, less a reasonable reserve for fire flow, is adequate for the proposed development.
- **Fire Flow** – A minimum fire-flow of 1,000 gallons per minute (gpm) is available from the 12-inch water main along Tower Oaks Boulevard and is adequate for the proposed development.

Sewer

- **Treatment Capacity** – The Blue Plains Wastewater Treatment Plant has adequate treatment capacity for the proposed development and the City has adequate available treatment capacity in its allocation at the Blue Plains Wastewater Treatment Plant.
- **Transmission** – The City has determined that the existing Cabin John sewershed sewerage transmission has adequate capacity to serve the proposed development.

Service and System Integrity

The City's water service is assessed for system integrity. DPW findings are as follows:

- **System Redundancy** – The City's water system and the proposed water main network is acceptable for system redundancy.
- **Fire Hydrant Spacing** – The fire hydrant spacing along the length of Tower Oaks Boulevard and throughout the proposed development meets the recommended spacing of 300-feet on average.

The City's sewer service is assessed for system integrity. DPW findings are as follows:

- **Sewer System** – The City's sewer service and the proposed sewer main network is sufficient for the development project.

Mr. Harris Schwalb
July 11, 2023
Page 3

CONDITIONS OF APPROVAL

The following list of conditions must be addressed for DPW to authorize building connections to the City's water and sewer systems and/or issue City permits. The Site Plan, Detailed Engineering Plan, and Building Plan approval and permitting processes must incorporate the construction of any required mitigation.

- **Water Service Conditions** - The findings of adequacy of and the authorization to utilize the City's water system are dependent on the following:

Water Mains

The public water mains proposed within the proposed development shall be eight-inches in diameter and comply with the Rockville City Code (Code), Chapter 24 and shall meet all requirements specified in the City's Water and Sewer Notes and the latest edition of Washington Suburban Sanitary Commission (WSSC) Standards and Specifications Section 02510 – Water Distribution System.

The existing private access drive will be dedicated to the City as public ROW. A portion of the existing eight-inch private waterline located in the existing private access drive as well as an existing six-inch service connection stubbed to the subject property on Tower Oaks Boulevard, are unnecessary to serve the proposed development or adjacent 2000 Tower Oaks Boulevard site and shall be abandoned in accordance with City and WSSC Standards and Specifications. A small portion of the water main (min. ten-inch) shall be removed to separate the abandoned water main from the remaining system. The location and length to be removed shall be determined at final engineering. All valves within the abandoned portion of the water main must be removed. The remainder of the abandoned water main shall be filled with lean mix concrete or flowable fill and capped on both ends.

Fire Hydrants

The Applicant must construct five public fire hydrants located at an overall spacing of 300-feet within the proposed development to meet City's design standards for hydrant spacing and fire flow requirements. All public fire hydrants shall be located within the public ROW and shall not be located on dead end mains beyond service connections. Exact locations and number of fire hydrants will be determined at the final engineering phase and permitted through a Public Works (PWK) permit. The Applicant must obtain approval from the Inspection Service Division (ISD) to ensure that hydrants provide adequate fire flow for fire suppression.

Water Meters

Water meters shall comply with the Code, Chapter 24. A separate water meter shall be provided for each individual lot, including any future ownership lots. The water meters for the proposed development shall be located outside the building in a crock adjacent to the proposed ROW or within an easement granted to the City. The meter's location shall provide adequate horizontal and overhead clearance for the City to maintain the infrastructure. The size and specific location of the water meter shall be determined during the final engineering phase.

Water Service Connections

Separate water service connections to the City mains are required for each separate lot, and any future ownership lot. The size and location of the water service connections must be approved and permitted by DPW and ISD at the final engineering phase. If lots or ownership lots contain multiple buildings, each building must be sub-metered separately. The property owner shall own the sub-meter and be responsible for maintaining it and invoicing the building occupant. Water service connections (from the ROW to the buildings) shall be privately maintained in all areas that are not within public ROW or an easement to the City.

Mr. Harris Schwalb

July 11, 2023

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Water Infrastructure Location

The water mains, fire hydrants, water meters (and associated easements), and water service connection locations must be coordinated with the other public improvements within the proposed ROW, including, but not limited to, street trees, streetlights, sewer house connections, and Stormwater Management (SWM) facilities. The final location of the water mains, fire hydrants, water meters, valves, and water service connections will be reviewed, approved, and permitted by DPW and ISD at the final engineering phase.

- **Sewer Service Conditions** - The findings of adequacy of and the authorization to utilize the City's sewer system are dependent on the following:

Sewer Mains

The public sewer mains within the proposed development shall be sized and constructed to comply with the Code, Chapter 24 and shall meet all requirements specified in the City's Standard Water and Sewer Notes and the latest edition of WSSC Standards and Specifications Section 02530 – Sanitary Sewage System.

The existing private sewer main within the existing private access drive and adjacent stream valley (Parcel F) shall be conveyed to the City through ROW and easement dedication. Prior to City acceptance, the existing private sewer system must be inspected, as-built surveyed and its condition evaluated to ensure it meets City and WSSC standards and specifications. This includes an assessment of the stream stability where it is within the influence of the sewer crossing.

An as-built plan and report must be prepared and sealed by a licensed professional engineer or land surveyor certifying that the existing private sewer main meets current design standards in accordance with the City's Standard Water and Sewer Notes and the current WSSC Pipeline Design Manual. The as-built plan shall include a plan and profile of the sanitary sewer with rim and invert elevations, structure dimensions and materials, and pipe dimensions, materials, and slopes. The as-built plan must also provide detailed topographic information where the stream crosses the pipe and clearly show the depth of cover, types of material, and any sewer protection measures installed at the stream crossing. The as-built report must include an analysis of proposed flows to demonstrate that the existing sewer will attain a self-cleansing velocity of a minimum of two and one half 2.5 feet per second (fps) daily upon completion of the proposed development. The as-built report must also include a professional evaluation of the stream crossing and demonstrate that the existing conditions provide the same level of protection of WSSC standard details SC 3.0, SC 3.1, and SC 3.2. If, at the sole discretion of the Director of Public Works, the sewer system is deemed to not meet current design standards, it must be mitigated, or components replaced before the sewer system (and the corresponding ROW or easement) is accepted for public use.

The condition assessment shall be performed by a qualified contractor in accordance with the National Association of Sewer Service Companies (NASSCO) Pipeline Assessment and Certification Program (PACP) and Manhole Assessment and Certification Program (MACP) protocols. This assessment must fully document the construction features and structural/maintenance deficiencies of the sewer system utilizing PACP and MACP coding. The results of the condition assessment, including inspection video and report, must be provided to DPW for review at the final engineering phase and shall be deemed acceptable by the City prior to permit issuance. The report shall include a picture of each observation which includes the location of the observation within the system. If, at the sole discretion of the Director of Public Works, the sewer main is deemed in poor condition, it must be mitigated or replaced before the sewer main (and the corresponding ROW or easement) is accepted for public use.

Mr. Harris Schwalb

July 11, 2023

Page 5

A stream assessment shall be performed by a qualified environmental consultant in accordance with the City's Environmental Guidelines to determine the stability of the stream (Cabin John Tributary) at the location where it crosses the existing private sewer main. The limits of the stream assessment must extend a minimum of 150-feet upstream and 150-feet downstream of the sewer crossing and must include a Level I, II, and III Rosgen stream-classification as well as a Bank Erodibility Hazard Index (BEHI) assessment. If, at the sole discretion of the Director of Public Works, the stream is deemed to not be sufficiently stable to protect the sewer crossing, the stream must be stabilized using natural channel techniques or the sewer relocated before the sewer system (and the corresponding ROW or easement) is accepted for public use.

Sewer Service Connections

Separate sewer service connections to the City mains are required for each separate lot, and any future ownership lot. The size and location of the connections to the proposed sewer mains must be approved and permitted by DPW and ISD at the final engineering phase. Sewer service connections (from the ROW to the buildings) shall be privately maintained in all areas that are not within public ROW or an easement to the City.

Sewer cleanouts shall comply with the Code, Chapter 24. A separate sewer cleanout shall be provided for each individual lot, including any future ownership lots. The cleanouts for the proposed development shall be located adjacent to the proposed ROW or easement granted to the City.

Sewer Infrastructure Location

The sewer mains, sewer cleanouts, and sewer service connection locations must be coordinated with the other public improvements within the proposed ROW, including, but not limited to, street trees, streetlights, water house connections, water meters, fire hydrants, and Stormwater Management (SWM) facilities. The final location of the sewer mains, sewer cleanouts, and sewer service connections will be reviewed, approved, and permitted by DPW and ISD at the final engineering phase.

- **Final Engineering and Permitting** - The Applicant must submit associated applications, plan review and permitting fees, and construction documents to DPW for review, approval, and permitting at the final engineering stage. The Applicant must obtain permits from DPW and ISD, and any other agencies having authority.
- **General Conditions** - The DPW permits must be issued prior to ISD issuing building permits. Additionally, the permitted work must be constructed, accepted by DPW, and placed into service prior to ISD issuing an occupancy permit for the building.

The PWK covers the public water and sewer mains and service connections within the ROW (or public easement) and the ISD Plumbing Permit covers the water and sewer service connection from the ROW to the building (including through Homeowners Association property), including the water meter and sewer cleanout and appurtenances.

Easement Conditions

Easements must be provided to the City for all water and sewer mains in areas not dedicated as ROW, including a minimum 30-foot wide easement for the proposed water and sewer mains on private property adjacent to Street A and a minimum 20-foot-wide easement for the off-site sewer main conveying through the stream valley. The easements must be of sufficient width as deemed by DPW and in a location acceptable to the City. The easements must be provided at no cost to the City and approved by the City Attorney. The easements must be recorded in the Montgomery County Land Records prior to DPW issuing PWK permits.

Mr. Harris Schwalb
July 11, 2023
Page 6

Prior to issuance of any DPW permit and prior to the recordation of the Final Record Plat, the Applicant must secure the termination or abandonment of all existing easements as necessary for the construction of the development, including all easements located in proposed ROW. Termination or abandonment of such easements must be evidenced by recordation of a deed of termination or abandonment in the Montgomery County Land Records. Abandonment or termination of any easement granted to the City must be approved by the Mayor and Council of Rockville, and prior to recordation, any deed of abandonment or termination of an easement granted to the City must be reviewed and approved by DPW and must be in a form approved by the Office of the City Attorney.

Capital Contribution

The Applicant will be required to pay a water and sewer Capital Contribution charges in accordance with the City Code. The charges, which are based on the domestic water meter size, must be paid to ISD in accordance with the fee schedule in effect at the time of building permit issuance and prior to ISD's issuance of the building permits.

Any substantial changes or revisions to the proposed development information may require a modification, revision, or deletion of these conditions.

If you have any questions, please contact Principal Civil Engineer Sean Murphy via email at smurphy@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,



John Scabis, P.E.
Chief of Engineering

JKS/SKM/yo

Attachments: Tower Preserve – 2200 Tower Oaks Boulevard – WSA Exhibit, dated May 2023

cc: Jim Lapping, Engineering Supervisor
Gabe Kosarek, Principal Civil Engineer
Shaun Ryan, Planning Supervisor
Nelson Ortiz, Principal Planner
Kina Campbell, Chief of Inspection Services
Eric Posner, 2250 Tower Oaks Boulevard, LLC
Erin Girard, Miles & Stockbridge
Laurent Mounaud, VIK A
Water and Sewer Authorization file
Permit plan, WSA2023-00002, PJT2023-00015
Day file

"Exhibit I"



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

October 18, 2023

Mr. Harris Schwalb
Michael Harris Properties, L.L.C.
6345 Executive Boulevard
Rockville, Maryland 20852

SUBJECT: 2022 Tower Oaks Boulevard – Tower Preserve – Pre-Application Stormwater Management
Concept Approval; SMC2023-00004, PJT2023-00015

Dear Mr. Schwalb:

The Pre-Application Stormwater Management (SWM) Concept (Concept) received on August 16, 2023, for the above referenced site is conditionally approved. Staff has determined that the Pre-Application SWM Concept, as described below, achieves on-site Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). This Pre-Application SWM Concept approval establishes ESD to the MEP as a P_E of 0.89-inch for this project which is 41 percent of the required ESD volume (ESD_v).

This site is 6.10 acres and is identified as Parcel D, Block D of the Tower Oaks Subdivision situated at 2200 Tower Oaks Boulevard southeast of the intersection of Tower Oaks Boulevard and Wootton Parkway. The proposed development includes the construction of 82 residential townhomes, two public roads, three private alleys, and the dedication and improvement of an existing private access drive to public Right-of-Way (ROW). The property is located in the Cabin John Watershed and is zoned PD-TO (Planned Development-Tower Oaks). The on-site soils are predominately Glenelg and Gaila silt loams which are classified as hydrologic soil group (HSG) B.

According to the Rockville City Code (Code), Chapter 19, Section 19-2 Definitions of the Rockville City Code, the Site qualifies as Development because it proposes construction on a property where existing imperviousness is less than 40 percent of the site. The property is currently 20 percent impervious.

In addition to Department of Public Works (DPW) SWM and Sediment Control Regulations and the Code, Chapter 19, stormwater management for this development is also subject to an agreement with the City of Rockville (City) titled, "Amended and Restated Memorandum of Understanding – Tower Oaks Regional Stormwater Management Facility – 2019" ("Amended MOU") recorded in the Montgomery County Land Records at Book 62479 Page 410. The Amended MOU conditions the construction of a regional stormwater pond to provide WQ_v and Cp_v for on-site and off-site drainage components, and Qp_{10} for the on-site component. Furthermore, the Amended MOU requires ESD to the MEP for the new development with exception to portions of the Planned Development that had already been constructed prior to execution of

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the Amended MOU. Any excess capacity in the regional pond may be used to satisfy remaining stormwater requirements of the new development.

In accordance with the Code, Chapter 19, Section 19-45, and conditions of the Amended MOU, SWM is required for all new and replacement impervious area within the entire site area. According to the submitted Concept, the total limit of disturbance is approximately 5.80 acres which is 95 percent of the site, and the total on-site impervious area subject to SWM is 4.18 acres, of which 0.65 acre are existing impervious area outside of the Limits of Disturbance and excepted from ESD to the MEP under the terms of the Amended MOU.

Per the Code, Chapter 19, Section 19-46(b), SWM also must be provided for imperviousness in a portion of the adjacent Tower Oaks Boulevard and Wootton Parkway ROW. According to the submitted Concept, the total impervious area in the adjacent ROWs subject to SWM is 0.27 acre.

Your proposed Pre-Application SWM Concept, as shown on the attachment, is summarized as follows:

ON-SITE SUMMARY

Proposed new or replacement impervious areas are summarized as:

- Residential – townhomes.
- Public/private infrastructure – roads, alleys, sidewalks, surface parking.

Total on-site impervious area subject to SWM = 4.18 acres.

Environmental Site Design Measures

- The Concept proposes to provide a minimum $P_E = 0.89$ -inch equivalent to 41 percent of the required ESD_v in the following on-site measures:
 - Six Micro-Bioretenention Planter Box Facilities.
 - Three Roadside Micro-Bioretenention Planter Box Facilities.
 - One Roadside Micro-Bioretenention Graded Facility.
- Summary of ESD:
 - Total ESD_v provided = 11,129 cubic feet (cf.).
 - Total ESD_v required = 26,951 cf.
 - Percentage of ESD_v provided = $11,129 \text{ cf.} / 26,951 \text{ cf.} = 41 \text{ percent.}$

Structural Measures and/or Alternative Measures – Regional Stormwater Management Pond

This Pre-Application SWM Concept Approval does not approve the methods for providing SWM beyond establishing the percent ESD_v . Additionally, the Pre-Application SWM Concept does not grant approval of a Monetary Contribution Alternative Measure and the City may require additional SWM facilities to provide the entire ESD_v on-site. Further consideration and a determination of acceptable SWM Alternatives shall be made with the Development SWM Concept. The Pre-Application SWM Concept proposes:

- Alternative Measures – Regional stormwater pond, which provides partial on-site WQ_v and Cp_v (including existing on-site impervious area outside of the Limits of Disturbance) in-lieu of providing full ESD_v and in-lieu of providing Qp_{10} for the 4.18 acres of on-site impervious area.

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ROW SUMMARY

Structural Measures and/or Alternative Measures – Monetary Contribution

The Pre-Application SWM Concept proposes:

- Alternative Measures – Monetary contribution in-lieu of providing WQ_v, Cp_v, and Qp₁₀ for the 0.27 acre of impervious area in the adjacent ROW of Tower Oaks Boulevard and Wootton Parkway.

CONDITIONS OF APPROVAL

Staff has determined that ESD to the MEP has been met. The next step in the City two-stage SWM Concept approval is submission of a Development SWM Concept for review and approval by DP) prior to Planning Commission approval of the Site Plan. In accordance with the Code, Chapter 19, Section 19-44, SWM must be provided by one of the following methods, which are listed in order of priority respectively: on-site ESD measures, on-site structural measures, and alternative measures which may include a monetary contribution.

This Pre-Application SWM Concept is conditionally approved subject to the following conditions, which must be addressed at the stages in the process as indicated below:

The submitted material must:

- 1) Include all plans, on 24" x 36" sheets, computations, and supporting documents as outlined in the City SWM Concept Checklist.
- 2) Demonstrate, with sufficient details and computations, how ESD to the MEP, established by this approval, will be achieved on-site.
- 3) Demonstrate, with sufficient details and computations, how the regional SWM pond provides WQ_v, Cp_v, and Qp₁₀, established by this approval and in accordance with the Amended MOU.
- 4) Demonstrate, with sufficient details and computations, compliance with the full SWM requirements will be in accordance with the Code, Sections 19-43 and 19-44.
- 5) Include horizontal and vertical information to support the design and conveyance to the downstream area. Provide conceptual calculation of the 10-year water surface elevation at each facility where applicable.
- 6) Provide information that demonstrates that individually sized sub-drainage areas are safely conveyed to the individual ESD measures.
- 7) Submit a revised SWM/Forestry Overlay Plan demonstrating compliance with the Concept approval and the Preliminary FCP approval.
- 8) Show and label preliminary SWM easements for all proposed SWM facilities. Easements should be sized to allow future inspection and maintenance.
- 9) SWM Alternatives, including monetary contribution as a method to meet SWM requirements will be reviewed at the Development SWM Concept stage. Fee-in-lieu calculations associated with on-site areas should be presented separately from adjacent ROW areas. SWM Alternatives for ROW will be adjusted accordingly at the Development SWM Concept stage and after the regional SWM pond treatment volume has been verified.
- 10) Applicant is subject to an existing agreement with the City titled, "Amended and Restated Memorandum of Understanding – Tower Oaks Regional Stormwater Management Facility – 2019" ("Amended MOU") recorded in the Montgomery County Land Records at Book 62479 Page 410.

This Pre-Application SWM Concept does not supersede or negate other required project approvals. The Concept approval does not approve the layout or density of the site. The Concept approval is contingent upon compliance of all other City and other governmental agency requirements including, but not limited to, Forestry, Traffic and Transportation, and Planning.

Mr. Harris Schwalb
October 18, 2023
Page 4

Any significant changes to the proposed development may result in the requirement to submit a revised Pre-Application SWM Concept with review fee for approval by DPW.

If you have any questions, please contact Principal Civil Engineer Sean Murphy via email at smurphy@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,



John Scabis, P.E.
Chief of Engineering

JKS/SKM/kmc

Attachments: Tower Preserve -- Pre-Application SWM Concept Plan, dated August 16, 2023

cc: Jim Lapping, Engineering Supervisor
Shaun Ryan, Planning Supervisor
Nelson Ortiz, Principal Planner
Eric Posner, 2250 Tower Oaks Boulevard, L.L.C.
Erin Girard, Miles & Stockbridge
Laurent Mounaud, VIKA Maryland, L.L.C.
Permit Plan, PJT2023-00015, SMC2023-00004
Day file

PRE-APPLICATION STORMWATER MANAGEMENT CONCEPT

SMC#: SMC2023-00004

TOWER PRESERVE

4TH ELECTION DISTRICT ROCKVILLE

MONTGOMERY COUNTY, MARYLAND



SHEET INDEX

CSWM	1 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT CONCEPT COVER SHEET
CSWM	2 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT CONCEPT PLAN
CSWM	3 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT INVERT STUDY
CSWM	4 OF 4	PRE-APPLICATION STORMWATER MANAGEMENT DETAILS

SWM CONCEPT SUMMARY TABLE	
General Property Information	
SMC# 2023-00004	
Type of Concept: Pre-Application SWM Concept	
Development Review Process/Case No.: PJL 2023-00015	
Property Address: 2200 Tower Oaks Boulevard	
Property Legal Description: Parcel C.D.E and F - BLOCK E	
Property Size (ac./sq. ft.): 6.10 acres/ 265,748 square feet	
Total Concept Area (ac./sq. ft.): 6.10 acres/ 265,748 square feet	
Zoning: PD 10 (MAX. Easements)	
Watershed: Cabin John	
100 YR Floodplain: n/a	
Ex. % Impervious/Redevelopment or New Development: 19.5% New Development	
SWM Summary	
Total On-Site Impervious Area subject to SWM: 4.17 acres (187,006 sq. ft.)	
Recorded P, Proposed P, 2-16 inches/0.9 inches (Per MDU)	
Target ESD/Provided ESD: 26,951 cu ft./ 11,129 cu ft.	
ESD Measures: 10 Micro Bio-retention Facilities	
Structural Storage Required/Provided: 20,750 cu ft./ 20,750 cu ft.	
Structural Measures: Existing Pond	
Op10 (10-Year Quantity Control) Measures: Existing Pond	
Contiguous Right-of-Way Impervious Area subject to SWM: 0.27 acres	
Contiguous Right-of-Way Cpu (Channel Protection Volume) & WQv (Water Quality Volume) Measures: Existing Pond + Monetary Contribution	
Contiguous Right-of-Way Op10 (10-Year Quantity Control) Measures: Existing Pond + Monetary Contribution	
Other Information:	

STORMWATER MANAGEMENT CONCEPT GENERAL NOTES

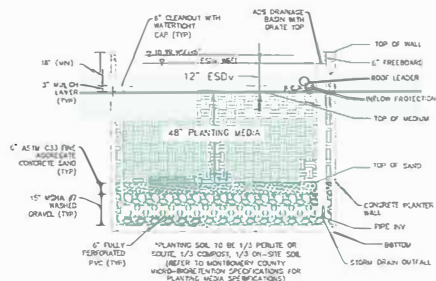
1. ALL STORM DRAIN PIPES PROPOSED ARE EITHER REINFORCED CONCRETE PIPE (RCP), HIGH PERFORMANCE POLYPROPYLENE (HP) OR POLYVINYL CHLORIDE (PVC)
2. STORM DRAIN PIPE SIZES SHOWN ARE ESTIMATED AND ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING DESIGN.
3. QUANTITY AND LOCATION OF ENVIRONMENTALLY SENSITIVE DESIGN (ESD) MEASURES ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING DESIGN.
4. ALL WATER AND SEWER LINES SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE UPON FINAL ENGINEERING DESIGN.
5. ALL UTILITY LAYOUTS SHOWN ON THIS CONCEPT PLAN ARE SUBJECT TO ADJUSTMENT IN LOCATION, SIZE AND CONSTRUCTION DURING FINAL ENGINEERING TO ACCOMMODATE LOCATIONS OF TREES, DRY UTILITIES, STREET LIGHTS AND OTHER CONFLICTING FEATURES. LAYOUTS SHOWN HEREIN ARE CONCEPTUAL AND NOT INTENDED TO REFLECT FINAL LOCATION OF THESE UTILITIES.
6. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY SHALL HAVE A VERTICAL DROP (MEASURED FROM THE TOP OF WALL TO THE TOP OF THE FILTER MEDIA ELEVATION) OF LESS THAN 24-INCHES AND MUST PROVIDE AN 18-INCHES SAFETY FENCE/RAIL.
7. ESD PLANTER BOX FACILITIES IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO CURBS SHALL BE INSTALLED WITH 16-INCHES CLEARANCE FROM CURB FACE TO PLANTER BOX FACE.
8. ESD PLANTER BOX FACILITIES SHALL FOLLOW THE BUILDING CODE FOR SAFETY FENCE REQUIREMENTS: A 42-INCHES FENCE SHALL BE PROVIDED FOR VERTICAL DROP MEASURED FROM THE TOP OF WALL TO THE TOP OF THE FILTER MEDIA ELEVATION) OF MORE THAN 30-INCHES.
9. ESD PLANTER BOXES SHALL BE OUTSIDE OF THE BUILDING FOUNDATION ZONE OF INFLUENCE. THE BUILDING FOUNDATION DESIGN SHALL TAKE INTO CONSIDERATION LOADS ASSOCIATED WITH THE ESD PLANTER BOX.

SWM ESD FACILITIES SUMMARY TABLE									
Micro Bio-retention Facility	Total DA (Ac.)	Total Impervious (Ac.)	Percent Impervious	Planter Area (sq. ft.)	Planting Media Depth (in)	ESDv Provided (cu ft.)	Pe Provided	ESD MAX	Grass/Structural
IMBF-1	0.07	0.05	85%	154	48	152	2.01	516	Grass/Structural
IMBF-2	0.09	0.07	78%	223	48	527	2.51	657	Structural
IMBF-3	0.12	0.03	75%	265	48	784	2.27	789	Structural
IMBF-4	0.18	0.14	78%	188	48	941	1.88	1,420	Structural
IMBF-5	0.15	0.15	100%	208	48	875	1.56	1,385	Structural
IMBF-6	0.16	0.16	100%	377	48	1,056	1.95	1,410	Structural
IMBF-7	0.14	0.14	100%	821	48	1,175	2.07	1,225	Structural
IMBF-8	0.18	0.18	100%	211	48	383	2.07	1,225	Structural
IMBF-9	0.44	0.44	100%	820	48	2,548	1.83	3,925	Structural
IMBF-10	0.23	0.23	100%	734	48	2,955	2.68	2,985	Structural
Total ESD Volume provided by Microbiores:						11,129			

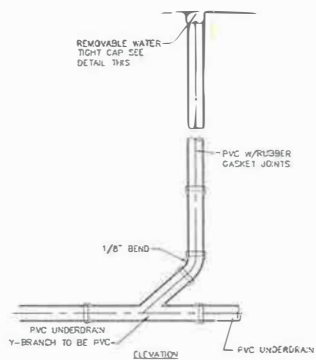
WATER MANAGEMENT CONSULTANTS
CONTACT:
NANCY STEVENS
WWW.MSOLUTIONS.NET
OR
1-800-255-1777
LSC 211
LSC 211
LSC 211

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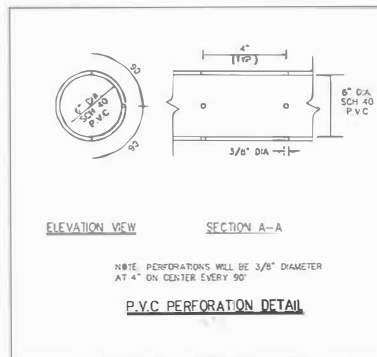
ROCKVILLE	PRE APPLICATION CONCEPT STORMWATER MANAGEMENT COVER SHEET	TOWER PRESERVE 2200 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852 SUBDIVISION 001, PARCELS C.D.E AND F - BLOCK D ELECTION DISTRICT NO. 4	CSWM-1
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**MICRO-BIORETENTION PLANTER BOX
TYPICAL SECTION**



**TYPICAL MICRO-BIOFILTER CLEANOUT DETAIL
NOT TO SCALE**

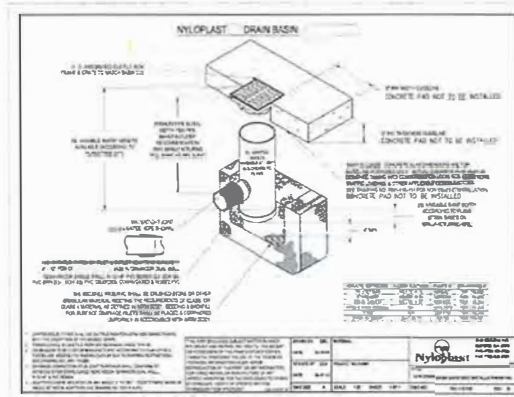


ELEVATION VIEW

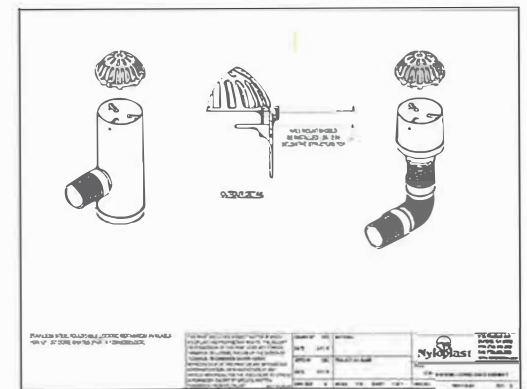
SECTION A-A

NOTE: PERFORATIONS WILL BE 3/8" DIAMETER
AT 4" ON CENTER EVERY 90°

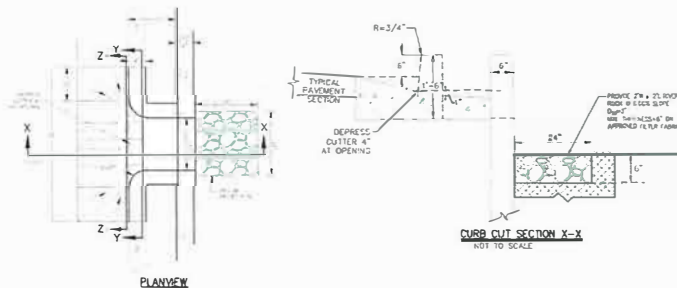
PVC PERFORATION DETAIL



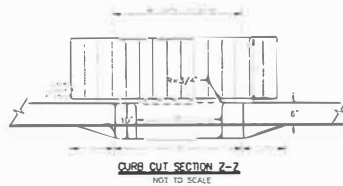
MICRO-BIOFILTER DRAIN BASIN



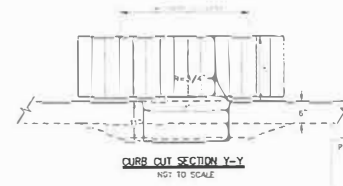
MICRO-BIOFILTER DRAIN BASIN GRATE ASSEMBLY



PLANVIEW



**CURB CUT SECTION Z-Z
NOT TO SCALE**



**CURB CUT SECTION Y-Y
NOT TO SCALE**

CONTACT
MANSUR UTHMAN
WWW.MANSURUTHMAN.COM
301.555.1177
CITY OF ROCKVILLE
CITY OF ROCKVILLE

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ROCKVILLE

PRE APPLICATION
CONCEPT
STORMWATER MANAGEMENT
DETAILS

TOWER PRESERVE
3200 TOWER GARDEN BOULEVARD ROCKVILLE, MD 20852
SUBDIVISION 001, PARCELS 0.01-0.07 - BLOCK D
ELECTION DISTRICT NO. 4

CSWM-4



VIKA VIKI MARYLAND, LLC
30151 Century Blvd. Suite 400
Crownsville, MD 21032
410-541-1200
Our Site Set on the Future