



City of
Rockville
 Get Into It

Planning Commission Staff Report: Project Plan Application PJT2016-00006, EYA Tower Oaks

MEETING DATE: April 13, 2016

REPORT DATE: April 6, 2016

FROM: Brian Wilson, Principal Planner
 Planning Division
 240.314.8227
 bwilson@rockvillemd.gov

APPLICATION DESCRIPTION: A proposal to amend the Tower Oaks Planned Development to allow for 225 townhouse units, 30 single family-detached units and 120 multiple family dwelling units for a total of 375 units on 40.74 acres located on the east side of Preserve Parkway in lieu of 755,000 square feet of office development.

APPLICANT: EYA Development, LLC
 C/O Mr. Aakash Thakkar
 4800 Hampden Lane Suite 300
 Bethesda, MD 20814

FILING DATE: August 27, 2015

RECOMMENDATION: Recommend the Planning Commission forward a recommendation to the Mayor and Council to approve the proposed amendment to Resolution No. 25-87, No. 21-93 and No. 1-01, subject to the findings and conditions stated within this staff report.

EXECUTIVE SUMMARY: The applicant (EYA) has submitted a proposal to amend the Project Plan concept initially approved by the Mayor and Council by Resolution No. 25-87 on October 12, 1987. The proposal would replace approximately 755,000 square feet of approved office development with 375 single family, townhouse and multiple family residential units.



**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

Table of Contents

RECOMMENDATION 3

SITE DESCRIPTION 3

PROJECT DESCRIPTION 4

 Master Plan 4

 Infrastructure/ Adequate Public Facilities Standards (APFS) 7

 Traffic 7

 Water and Sewer 7

 Schools 8

 Fire and Emergency Service 8

 Transportation and Circulation 9

 Parking 9

 Access 9

 Roads 9

 Bicycle/Pedestrian Access 9

 Transit 9

 Historic Resources 10

 Environment 10

 Environmental Guidelines 11

 Forest Conservation 11

 Landscaping 11

 Stormwater Management 11

MAYOR AND COUNCIL/PLANNING COMMISSION BRIEFING CONCERNS 12

COMMUNITY OUTREACH 14

FINDINGS 14

CONDITIONS 15

1.	Aerial Map	1-1
2.	Zoning Map	2-1
3.	Concept Site Plan	3-1
4.	Pre-FCP	4-1
5.	Concept Landscape Plan	5-1
6.	Concept Elevations	6-1
7.	Project Plan Application	7-1
8.	Project Description	8-1
9.	Applicant Response to Briefing	9-1
10.	Approval Resolution 1-01	10-1

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

RECOMMENDATION

Recommend the Planning Commission forward a recommendation to the Mayor and Council to approve the proposed amendment to the Tower Oaks Planned Development for EYA Tower Oaks (PJT2016-00006), subject to the findings and conditions identified in this report.

SITE DESCRIPTION

The site is 40.74 acres of currently undeveloped land in the Preserve at Tower Oaks portion of the 192-acre Tower Oaks Planned Development. Located on the east side of Preserve Parkway, the property is approximately 1,000 feet east of the intersection of Wootton Parkway and Tower Oaks Boulevard. The property is zoned Planned Development – Tower Oaks (PD-TO) and is approved for up to 755,000 square feet of office development. The property is currently forested with nine significant tree stands.

Location: Preserve Parkway

Applicant: EYA Tower Oaks, LLC

Land Use Designation: Comprehensive Planned Development

Zoning District: Planned Development – Tower Oaks (PD-TO)
Mixed-Use Employment (Current Designated Equivalent Zone)

Existing Use: Vacant Land

Parcel Area: 40.74 Acres

Dwelling Units: 30 single family units, 225 townhouse units, 120 multiple family units and community center

Building Height: 50 feet (Townhomes and Single Family Detached); 80 feet (Multiple Family)

Vicinity

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	PD-TO	Comprehensive Planned Development	Office
East	R-400	Private Recreational and Conservation Area	Golf Course
South	MXE, R-400	Private Recreation and Conservation Area/Restricted Industrial Office park	Golf Course and Office Use
West	PD-TO	Comprehensive Planned Development	Vacant Land and Restaurant

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

PROJECT DESCRIPTION

In accordance with Section 25.07.07. of the Zoning Ordinance, the applicant (EYA) has submitted a proposal to amend the Project Plan concept initially approved by the Mayor and Council by Resolution No. 25-87 on October 12, 1987. The concept plan was further amended by Resolution No. 21-93 (approved September 27, 1993), and Resolution No. 1-01 (approved January 8, 2001). The development of the property is currently subject to the terms and conditions of the approved Concept Plan, as amended. This Concept Plan would allow for the development of approximately 755,000 square feet of office use in multiple buildings, with a maximum building height of 125 feet on the subject property.

The applicant is requesting approval to amend the Concept Plan to allow for the development of a residential development with a mixture of unit types, alley access and limited setbacks (Exhibit 3). The design proposes up to 225 townhouse units, 30 single unit detached dwellings and 120 multiple unit dwellings for a maximum total of 375 units on site. The applicant is also proposing an ancillary clubhouse and swimming pool area. On-street parking will be provided throughout the site. The majority of parking for the multiple family buildings will be provided underneath the buildings. The applicant has also requested to allow the existing approved office development concept to remain as a valid development alternative until such time that the first residential building permit, pursuant to this amendment, has been applied for, or for 5 years, whichever comes first (addressed in condition #3).

Master Plan

The subject property is located in Planning Area 12, Tower Oaks. The 2002 Planned Land Use map designates the property as "Comprehensive Planned Development". The adopted 2002 Master Plan identifies the Tower Oaks area as one of the "major sites in the City for office in a campus-like environment." However, in addition to office, the approved Planned Development includes a mix of uses, including residential, hotel and restaurant, as reflected in the following table and shown in the overall concept map (Attachment 10).

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

*Area #	Approved Use	Existing Use	Proposed Change
1	170 Room Hotel	Undeveloped	N/A
2	300,000 sqft of Office	300,000 sqft of Office	N/A
3	500,000 sqft of Office	Undeveloped	N/A
4	285,000 sqft. of Office, 300 Room Hotel, 75,000 sqft. Health Club	Office and Restaurant	An amendment was previously approved to allow for additional restaurant square footage.
5 Subject Area	945,000 square feet of Office	Approximately 190,000 sqft of Office	Allow for up to 375 residential units rather than the remaining 755,000 square feet of office
6	25,000 square foot restaurant	Restaurant	
7	275 Residential Apartment Units	170 Residential Townhouse Units	An amendment was previously approved to allow for the construction of townhomes rather than apartments as originally approved.

*See Attachment 10 for Area Map

This site has been approved for approximately 755,000 square feet of office space for nearly 30 years, as a result of recommendations in the 1985 Westmont Neighborhood Plan (Planning Area 12), yet remains undeveloped. This site is located in Area #5 of the approved Tower Oaks Planned Development (See Attachment 10). While office use is the most prominent use in the Planned Development from a square footage perspective, the use table presented above demonstrates that the Planned Development promotes a mixture of uses. Residential is an approved and developed use within the Planned Development. Originally, 275 residential units were anticipated for the overall development. After a proposed amendment to allow for townhomes rather than apartments, approximately 170 units were constructed in Area #7. This is approximately 100 fewer residential units than originally anticipated. Because of this existing mixture of uses, the introduction of a new residential use is not contrary to the overall Planned Development concept, nor contrary to the Master Plan.

The 2002 Plan echoes the approved Tower Oaks Planned Development use scheme as the appropriate land use for this area. As such, the Planning Commission must make a determination if the continued promotion of office use in this section of the Planned Development is a practical and/or desirable use for this property. The proposed amendment to allow for the development of residential use furthers several overall policy goals of the Master Plan, in addition to meeting some of the specific policy goals of the Tower Oaks Planning Area.

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

In regard to those policy goals, the Master Plan discusses challenges and critical issues in the Tower Oaks area. The impact of traffic is identified as the primary concern as the Tower Oaks plan builds out. The plan states “the City must be vigilant in monitoring key road connections to surrounding areas as well as internal intersections to ensure that traffic continues to flow smoothly.” The Plan goes on to recommend that the City work with the County and private developers to ensure the availability of bus service to Tower Oaks to reduce dependency on automobiles.

As far as overall Master Plan policies, the proposal is consistent with the following:

- Encourage an appropriate balance of office, retail, industrial and residential uses and an emphasis on mixed-use development. (p. 12-1)
- Ensure a mix of housing types and price ranges to meet diverse needs of different sectors of the City’s population, with an emphasis on the importance of owner-occupied housing. (p. 2-1)
- Increase opportunities for homeownership for persons of all income levels. (p. 10-1)
- Maintain an appropriate mix of ownership and rental opportunities in the City. (p. 10-1)
- Encourage multifamily housing in mixed-use areas of development. (p. 10-1)
- Create a balance between different housing types. (p. 10-1)
- Encourage the construction of housing alternatives for an aging population. (p. 10-1)

It should also be noted that the aging housing stock is a critical issue outlined on page 10-7 of the Master plan. Approximately 50% of the existing housing stock in Rockville was developed prior to 1960. This proposal would contribute, in a small part, to adding additional new housing stock, including single family residential units to the City.

Staff also considered the impact of transitioning this site away from office use, especially in the context of this recent trend. In June of 2015, the Montgomery County Planning Department released a study titled “Office Market Assessment, Montgomery County Maryland”. This study provides analysis of the current market trends for office use within the County and the region as a whole. Tower Oaks was one of the specific development areas identified as having an above average vacancy rate, going from 5.3% in 1994 to 32.0% in Q2 2014. The study demonstrates that office developments with a high market demand are now more commonly concentrated in higher density, mixed-use developments with a strong sense of place. Office parks in a suburban setting are becoming less desirable in the region. In fact, one of the primary recommendations of the report was as follows:

“Reduce the supply of non-competitive office space by converting vacant office buildings to housing, hotels or other uses. Policies that facilitate site assembly could help owners of older, small office buildings to redevelop. Plans for approved but unbuilt suburban office parks may need to be revisited. Some projects already have converted planned office space to residential or other uses, but redirecting development capacity to more competitive locations should be considered. Zoning impediments to redevelopment and diversification should be removed.”

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

The Planning Commission must determine if the increase in the number of residential units and the decrease in office space is in the best interest of the City, given the infrastructure is in place to support a residential use in this area. Certainly, the removal of 755,000 square feet of office space will strengthen the existing office market in the City by eliminating excess supply. The City currently has excess office supply in King Farm, Research/Piccard and the Town Center. Should the proposed amendment be approved to allow the change from office to residential use, there will still be approximately 500,000 square feet of available office space remaining for construction in the Tower Oaks Planned Development, primarily located in Area #3. As such, staff feels the mix and proportion of uses throughout the Tower Oaks Planned Development, with this amendment, creates a well-balanced community in keeping with the Master Plan.

Infrastructure/ Adequate Public Facilities Standards (APFS)

In accordance with Section 25.20.03.a.3. of the zoning ordinance, Project Plan PJT2016-00006 is subject to a determination of adequate public facilities. The analysis compares the public facilities impact of the approved development with the proposed development.

Traffic

The table below shows the trip generation for the proposed residential development with credit for the previously approved office use.

	AM	PM
Approved		
755,000 SF General Office (LATR)	1276	1107
Proposed		
35 DU Single Family Detached (LATR)	33	39
220 DU Townhomes (LATR)	112	141
120 DU Condominium (LATR)	59	93
Net New Peak Hour Trips:	-1072	-834

The proposed development will result in a drastic reduction in the number of new peak hour trips compared to the current approval. The proposed use will not generate greater than thirty (30) peak hour vehicle trips and as such, will not substantively alter or change vehicular traffic flow movements in and around the site area. The applicant will not be required to complete a traffic study but will be required to complete an on-site transportation report when the project plan is implemented via a site plan. When a site plan is submitted to implement the project plan, the applicant will be required to complete a warrant analysis for traffic signals at all access points to the site.

Water and Sewer

The Tower Oaks development will be served by City water and sewer located within the proposed public street ROW. The project will have multiple connections to the existing City mains within Preserve Parkway and will be looped for optimal service. A Water and

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

Sewer Authorization application has been filed and is pending City review. According to the application, a reduction of both water and sewer capacity is anticipated based on the reserved capacity of the previous office approval.

The project will also provide a 20-foot wide easement to the City at the southwest corner of the property for construction of a future water main, at the request of the City. The project will not be responsible for constructing the future water main.

Schools

The subject property is served by the Richard Montgomery Cluster Area (Ritchie Park Elementary, Julius West Middle School and Richmond Montgomery High School). Using the Montgomery County Student Generation Rates for Housing Types (dated December 6, 2013), the proposed 375 unit proposal will generate the following number of students: 57 students at the elementary school grade level, 25 students at the middle school level, and 34 students at the high school level.

In 2015, the Mayor and Council adopted amendments to the school standards of the APFS. The standard now matches the requirements of the County and increases maximum permitted capacity levels to 120%. In addition, total enrollment for the school type (e.g. elementary, middle, high school) in each cluster is considered now, rather than for each individual school. Additionally, the test now occurs in year five, not years one and two. After review of the student generation, the proposed application meets the schools test.

School Test: Percent Utilization >120% = Moratorium						
School Type (Richard Montgomery Cluster)	Projected August 2020 Enrollment	Students Generated by Proposed Development	100% MCPS Program Capacity with County Council Adopted Amended FY15-20 CIP	Enrollment Including Proposed Development	Cluster Percent Utilization in 2020	Cluster Percent Utilization in 2020 with Proposed Development
Elementary School	2,724	57	2,884	2,781	94.5%	96.4%
Middle School	1,351	28	1,445	1,379	93.5%	95.4%
High School	2,479	34	2,237	2,513	110.8%	112.3%

Fire and Emergency Service

The requested PD Amendment does not alter or impact the response time for emergency services. Fire Stations 23 (Rollins Road) and 33 (Falls Road) are both within the required response time distance. The internal street circulation and alley-way configuration was reviewed to ensure safe access for emergency vehicles and found to be acceptable.

Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016

Transportation and Circulation

Parking

The applicant is proposing several parking options to accommodate the residential home owners and visitors on the site. Within the area of the four multiple-family buildings, visitor parking will be provided at a surface parking lot, while residents will park in structured parking located underneath the buildings. Throughout the remainder of the development the applicant will provide 2-car garages for each unit. In addition, on-street parking is also available for visitors. A condition has been proposed that would ensure that on-street parking located in the vicinity of the clubhouse will be signed to ensure that parking is permanently marked for clubhouse users.

Access

Access to the site is proposed via two full movement driveways. The applicant has also proposed a connection to One Preserve Parkway and the office building to the north of the site. The applicant has agreed to work with the neighboring property owner to convert the driveway for One Preserve Parkway to a public road.

Roads and Transportation

The proposed Tower Oaks EYA development will be served by a network of public streets and private alleys. All streets and alleys will be designed to meet the public standards, as outlined in Chapter 21 of the City Code, except as noted on the Street Section Exhibit (Attachment 3). The design exceptions that will require a waiver to be approved by the Mayor and Council are for reduced Right-of-Way (ROW) and pavement width. The pavement width reductions are mainly located around roadway curves and at intersections and serve the purpose of creating 'parking bays' along the street. Fire access requirements have been coordinated with the Fire Marshall and are provided throughout the project. The reduced ROW is a function of the reduced paving width and/or a reduced tree panel width. The tree panel width reduction does not limit the ability to provide street trees and will be provided as shown on the Street Section Exhibit and Concept Landscape Plan drawing number L-4.0 (Attachment 5).

Bicycle/Pedestrian Access

Pedestrian access within the development will be integrated into the pedestrian network serving the Tower Oaks development. Sidewalks will be provided across all street frontages and a potential nature trail through the open space area at the rear of the site is proposed. Bicycle parking will be provided at the clubhouse location.

Transit

The closest bus stop is at the intersection of Preserve Parkway and Wootton Parkway, which is less than a quarter mile from the entrance to the site. The applicant is in discussions with County Ride-On staff to determine if this shuttle service could potentially be available to the site. The applicant is also in talks with the County to

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

determine if a bus stop at the site is feasible. The applicant has agreed to explore a private shuttle service option at the site plan phase if none of the public transportation options come to fruition. This is consistent with the Comprehensive Plan goal in Tower Oaks to work with developers to ensure the availability of bus service to reduce the dependency on automobiles.

Historic Resources

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

Environment

Environmental Guidelines

The 40.74 acre site has an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) which identifies all of the natural features in accordance with the Forest and Tree Preservation Ordinance and the Environmental Guidelines. The site contains over 37 acres of forest including nine stand types with all but one stand having a forest structure value of good or priority. The forest structure values for the individual stands are reduced due to the high deer population within the overall forest which precludes the formation of an abundant native shrub and herbaceous layer. The lack of a native understory also results in the flourishing of non-native/invasive vegetation. However, the presence of streams, wetlands, flood plain and specimen trees (30 inches diameter at breast height and greater) make the entire forest a priority for retention.

Specifics of the NRI/FSD are:

- Watershed: Cabin john
- Wetland area: 0.19 acres
- Stream buffer area: 7.87 acres
- Stream buffer width: 125 feet (average)
- Stream length: 1,005 linear feet
- 100 year flood plain area: 2.10 acres

The site also contains two highly erodible soils, Gaila silt loam (1C) and Blocktown channery silt loam (116D) as well as and two hydric soils, Baile silt loam (6A) and Hatboro silt loam (54A). As required the applicant submitted and received a response from the Maryland Department of Natural Resources (DNR) confirming there are no State or Federal records of the site containing rare, threatened or endangered species. DNR's response indicated their analysis of the site "suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat" (FIDS) and therefore, DNR encourages preservation of this habitat and provided site design considerations for minimizing the project's impacts on FIDS. City Forestry staff agrees with DNR's suggestion to incorporate the guidelines, as appropriate, into the site design prior to formalizing the site plan submission.

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

Forest and Tree Preservation Ordinance

The project site was included in the overall Preliminary Forest Conservation Plan which included the entire 196-acre Tower Oaks property and established the forest conservation requirement of 50.70 acres. This parcel is required to retain 14.20 acres of forest in easement towards the 50.70 acre requirement. There are two remaining undeveloped sites where forest has yet to be placed in easement; however, the amount of forest conservation required on each site has been established. The larger site north of the Bank of America building is required to retain 3.45 acres of forest in easement and the smaller triangular shaped property at the southwestern intersection of Wootton Parkway and Tower Oaks Blvd. is required to retain 1.24 acres of forest in easement.

At the time of site plan submission, the project will need to show compliance with the 14.20 acre forest conservation requirement through the submission and approval of a Preliminary FCP. The significant tree replacement requirement is applicable to this project. Significant trees are defined as trees 12" diameter at breast height (DBH) and greater located outside of forest and trees 24" DBH and greater within the forest. The site contains over 330 significant trees and the required replacement trees owed must be planted on site. Based on the applicant's concept submission plans, the requirement is expected to be close to 600 replacement trees and the conceptual landscape plan demonstrates this is feasible. The project will significantly exceed the 15% minimum tree cover requirement (6.11 acres) through individual tree planting and forest retention.

Landscaping

A conceptual landscape plan has been provided which reflects the project's intent to fully landscape the site through tree, shrub, and herbaceous plantings

Noise

Noise levels that may be generated during construction must comply with maximum allowable noise levels as referenced under Sec.31B-6 of the Montgomery County Noise Ordinance. The site is approximately 500 feet from I-270 at its nearest point, although heavy landscaping in the area eliminates any potential visibility and will absorb some of the noise impacts.

Stormwater Management

On-site storm drain will be a mix of public and private system to be determined at a later point in the design. The project's remaining utilities will be provided via underground service primarily located in the private alleys.

The Pre-Application Stormwater Management Concept (Concept) plan was approved December 21, 2015. This is the first phase of plan review/approval and focuses on how the project will provide on-site treatment for the proposed development using Environmental Site Design to the Maximum Extent Practicable, or, more commonly

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

referred to as ESD to the MEP. This phase of stormwater review focuses on treatment of the smaller and more commonly occurring storms that statistically happen at least once per year. The Tower Oaks Concept provides 100% of the required ESD volume on-site via micro-bioretenment, bio-swales, planter boxes, and drywells spread across the site.

SWM for the larger and less commonly occurring storms will be reviewed in detail during the Site Plan development phase. The applicant will be required to provide safe conveyance of stormwater runoff and to mitigate impacts to the downstream Cabin John Creek.

Zoning Ordinance Compliance

The subject property is regulated in accordance with the Planned Development approved by the Mayor and Council. For the purposes of this amendment, the proposed concept plan would become the regulating document for any future site plan submitted to the Planning Commission. Any issue the concept plan is silent on would be regulated under the RMD-10 (Residential Medium Density) standards of the Zoning Ordinance for Townhouse and Single Family Detached Units, and RMD-25 for Multiple Family Units (Equivalent Zones). Provisions that differ from the requirements of the equivalent zone can be approved as part of the Planned Development by Mayor and Council. Below is a summary of the development regulations outlined in the tables on the concept plan that would guide development:

Unit Type	Number of Units	Maximum Height	Front Yard Setback Minimum	Side yard	Rear Yard
Townhouse (Non-MPDUs)	152-184	50'	5'	3' (end of group)	5'
Townhouse MPDUs	12.5% of Total Units Provided				
Single Family Detached	30	50'	5'	3'	15'
Multiple Family	134	80'	5'	3'	N/A

Provisions of the RMD-10 and RMD-25 Differing with the Proposed Plan

As stated above, Mayor and Council may approve development standards as part of the Planned Development that differ from the equivalent zoning district due to the unique design characteristics of the development style proposed. Differences as proposed are as follows:

Townhomes RMD-15

- No more than 8 townhomes in one attached row (up to 11 proposed);
- Townhouse groups must be setback 25 feet from each other (minimum 18' proposed);
- Building front setbacks must be 18 feet from a public right-of-way internal to the site (5' minimum proposed);
- 40' maximum height – 50' provided

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

Single Family Residential RMD-15

- Maximum Height of 50' rather than 35';
- Minimum lot size of 4,500 square feet rather than 6,000;
- Side Yard Setbacks of 3' rather than 8';
- Rear Yard Setback of 20' rather than 15';
- Front yard Setback of 5' rather than 20';

Multiple Family RMD-25

- Allow height up to 80' rather than 75'. (RMD-25);
- Setback of 40' from Preserve Parkway rather than 100' (Maximum Potential);
- Setback from other buildings – Up to 115' required, 30' provided;

Staff has reviewed the proposed standards and has determined they are compatible with the completed portions of Tower Oaks and are consistent with good planning and design principles.

MPDU Compliance

The applicant will reserve a minimum of 12.5% of the units for affordable housing. If the unit yield equals the total depicted on the plan (336 units), at least 42 moderately priced dwelling units will be provided. The units will be distributed throughout the townhome areas on the site. MPDUs will not be provided for in the single family detached section at the rear, or in any of the four multiple-family buildings provided at the front of the site. While staff has agreed to which unit types will accommodate MPDUs, the proposed distribution of all MPDUs will not be determined until the site plan review phase of the project.

MAYOR AND COUNCIL/PLANNING COMMISSION BRIEFING CONCERNS

At two separate meetings in December of 2015, the applicant presented the proposed project to Mayor and Council and the Planning Commission. At these briefing sessions, the Commission and Mayor and Council offered suggestions and voiced concerns regarding the design of the Plan. Below is a summary of how some of those comments have been incorporated into the current proposed Concept Plan:

Building Height – Concerns were raised at the Planning Commission regarding why the applicant left the option to construct a 120' tall multiple family building at the front of the site. The applicant has since revised the request to allow for a maximum height of eighty (80) feet for the multiple family buildings.

Lack of Open Space/Recreation Area – The applicant argues that 22.76 acres of open space throughout the site, primarily located at the rear, will be sufficient to accommodate resident needs. Exercise stations have now been proposed at both ends of the natural surface trail located at the rear open space area. The applicant indicates the community center, pool and lawn area adjacent to the building will appeal to teens and adults. The multi-use activity space adjacent to the community center can now be designed to accommodate basketball, tennis or hand ball. In addition, the applicant has provided a play area for children with climbing and

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

balancing equipment. It should be noted that at the project plan level staff has not verified if the nature trails can be located in the area shown on the plan and could require relocation or be determined to be infeasible to construct.

Parking – Concerns were raised regarding parking at the site. The applicant maintains that since there is no retail component in this development overflow parking concerns should not be an issue. Staff has requested that on-street parking around the community center be signed to only allow for community center parking. Further, staff has required all units to maintain 2-car garage parking, rather than the original request of a 1-car garage option. The current parking configuration is compliant with the requirements of the Zoning Ordinance.

Transit Stop – The applicant has agreed to work with County Ride-On to extend service to this site. If such an option is not possible the applicant has indicated that a private shuttle service option will be explored.

Commercial Use – The applicant has identified the potential for a market/café area within the community center building as a potential option for development. This is conceptual and without a specific requirement as part of the Planned Development approval there is no guarantee this will be included in the development.

COMMUNITY OUTREACH

In accordance with Section 25.05.03.c and 25.07.03.c of the Zoning Ordinance, written notice of the Planning Commission public review of the Project Plan Application PJT2016-00006, was sent to nearby property owners. The applicant affirmed via submission of required affidavits that both written and electronic public notification was provided for all area and public meetings on the subject Project Plan application. Staff has received no correspondence from the public regarding this proposed amendment.

- Pre-Application Area meeting was held on March 31, 2015.
- Post-Application area meeting was held on September 29, 2015.
- Planning Commission Informational Briefing held on December 2, 2015
- Mayor and Council Informational Briefing held on December 7, 2015

FINDINGS

In accordance with Section 25.07.01.b.2, of the Zoning Ordinance, a project plan may be approved only if the Mayor and Council find that the approval of the application will not:

Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project;

At this initial stage in the development review process of the proposed Planned Development amendment, staff has found no evidence that the change from office use to a residential use will be detrimental to the health and safety of persons working or living in this area. The proposed change from an office to residential use will actually decrease the potential traffic

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

load on the road infrastructure in this area and be of such a design that the proposed buildings will be less visible from surrounding areas than the approved multiple office buildings, which could have been up to 125 feet in height.

Be in Conflict with the 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 proposal would be 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 proposal 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 proposal 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.

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;

As required per section 25.20.03.a.3. of the Ordinance, the proposed amendment is subject to a determination of adequate public facilities compliance for the proposed changes. Pursuant to the discussion in the staff report, staff has analyzed the proposed amendment for compliance with the Adequate Public Facilities Standards and has determined that the proposed development of up to 375 residential units on the site will not overburden existing and programmed public facilities.

Constitute a violation of any provision of the Zoning Ordinance or other applicable law; or

The proposed project plan application as submitted complies with all provisions of the Zoning Ordinance in that a detailed concept plan has been submitted with associated tables and graphics that would act as the development regulations for the area at the time site plan is submitted for review and approval.

Adversely affect the natural resources or environment of the City or surrounding areas.

The applicant has proposed to maintain over half of the site as open space and has proposed the preservation of a large environmentally significant feature at the rear of the site (14.2 acres). Tree preservation will be complied with at the time of site plan submission. Stormwater management issues have been reviewed by the City and it has been determined that the applicant will be able to feasibly meet stormwater requirements when a site plan is submitted.

CONDITIONS

Staff recommends approval of the application subject to the following conditions, to be incorporated into a Resolution for Mayor and Council consideration:

**Project Plan Application PJT2016-00006, EYA Tower Oaks
Preserve Parkway
April 6, 2016**

1. The proposed development will be designed in a manner consistent with the development standards located within the tables on the Composite Land use Plan dated February 1, 2016, all associated exhibits, and generally consistent with the graphic conceptual representation shown on that same plan drawing.
2. The concept layout associated with the approved project plan shall not include approval of the distribution of MPDUs. However, it is understood that MPDUs will not be provided for in the single family detached housing option, or in any of the four multiple-family buildings provided along the Preserve Parkway road frontage. The MPDUs will be townhouses located in the townhouse blocks at a minimum rate of at least 12.5% of the total number of units and the final MPDU locations will be determined at the time of site plan submission.
3. The existing office use approved for this site shall remain as a valid approval for five (5) years from the date of Mayor and Council approval of this Project Plan Amendment, or until such time that the first building permit is issued for the development of the proposed residential use on the subject site, whichever comes first.
4. Upon submission of the application for site plan approval, the applicant shall ensure that a minimum of six (6) on-street parking spaces in the vicinity of the clubhouse area are signed as "clubhouse parking only" spaces.
5. The applicant will dedicate to the City the portion of the existing private street that it owns and, if necessary, bring the street up to City standards for public roads. The applicant shall further make best efforts to work with the adjacent property owner at 1 Preserve Parkway to make the entire street public and bring up to City standards for public roads or, in the alternative, provide appropriate easements to cover the full width of the roadway to allow for public access and maintenance. If dedication or easements cannot be acquired from the adjacent property owner, the applicant will be required to make changes to the site plan to accommodate the need for continuous public access.
6. The waterline within the existing driveway on Tower Oaks Parcel A, Block E 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 development. If the waterline is not being proposed to serve the residential development, but is located within dedicated right-of-way, it shall be become a public line at dedication. A public main must be constructed to public standards. This may result in the reconstruction of all or portions of the existing waterline at a cost to the applicant.
7. In accordance with the overall Preliminary FCP for the entire Tower/Boston Properties planned development, the applicant shall retain/leave undisturbed a minimum of 14.20 acres of existing forest to be placed in conservation easement within the parcel.
8. The applicant shall plant all of the required significant replacement trees on site.
9. Prior to site plan approval, a Mayor and Council waiver from the Streets and Public Improvements Ordinance will be required for any portion of the proposed street sections that are not compliant with the Ordinance.

Exhibit 1: Aerial Map



Case Number: PJT2016-00006

Address: Preserve Parkway

Project Name: EYA Tower Oaks

Date: December 2, 2015



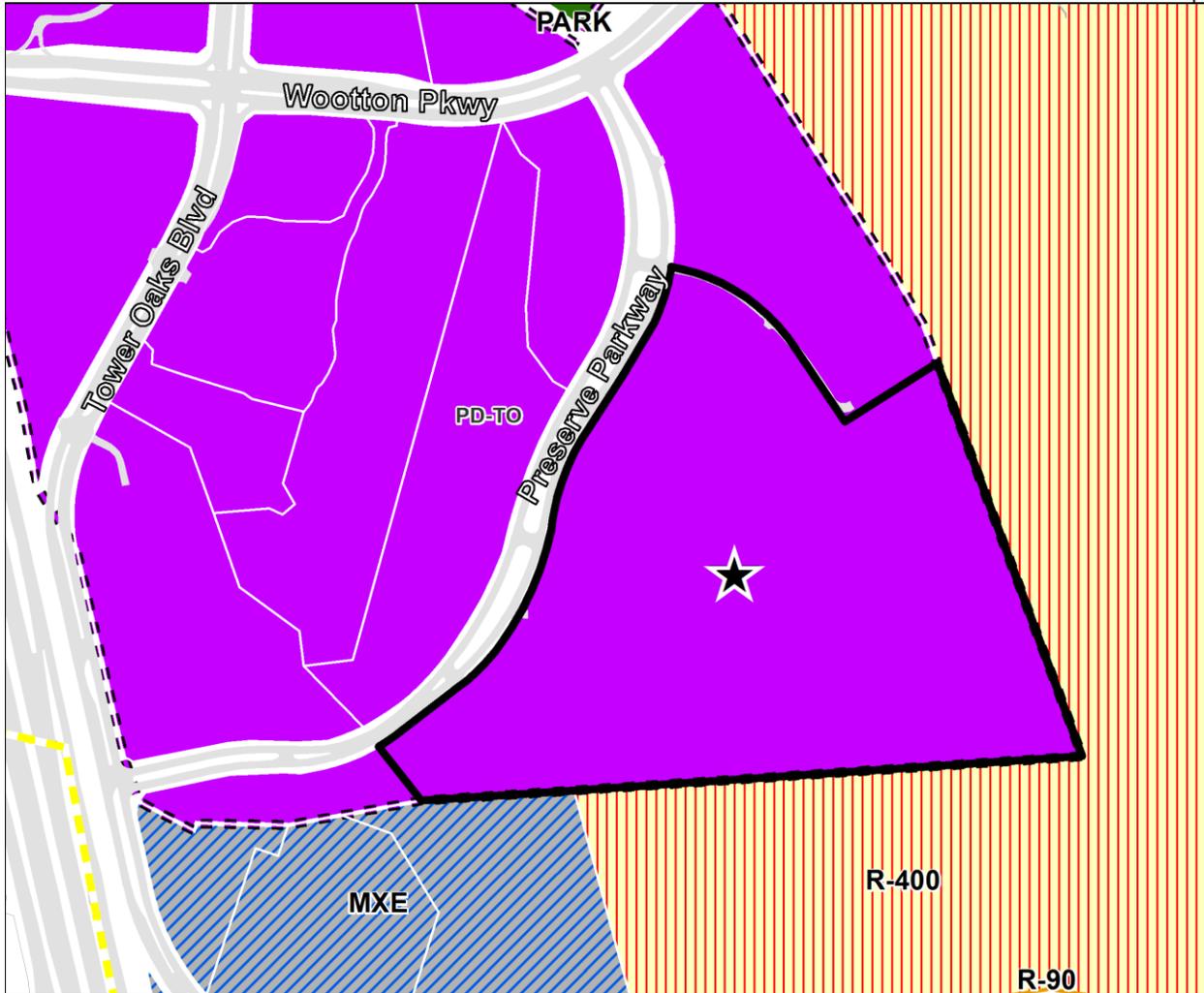
★ Project Location



Exhibit 2: Zoning Map



Case Number: PJT2016-00006 Address: Preserve Parkway
 Project Name: EYA Tower Oaks Date: December 2, 2015



Legend

- | | | |
|--|--|--------------------------------------|
| R-400 - Residential Estate | MXB - Mixed-Use Business | Rockville city limits |
| R-200 - Suburban Residential | MXC - Mixed-Use Commercial | Zoning Overlays |
| R-150 - Low Density Residential | MXCD - Mixed-Use Corridor District | Clusters |
| R-90 - Single Unit Detached Dwelling, Restricted Residential | MXE - Mixed-Use Employment | Historic Preservation Parcels |
| R-75 - Single Unit Detached Dwelling, Residential | MXNC - Mixed-Use Neighborhood Commercial | Lincoln Park Conservation Overlay |
| R-60 - Single Unit Detached Dwelling, Residential | MXT - Mixed-Use Transition | Planned Developments |
| R-40 - Single Unit Semi-detached Dwelling, Residential | MXTD - Mixed-Use Transit District | Town Center Performance District |
| RMD-10 - Residential Medium Density | PD - Planned Development | Twinbrook Metro Performance District |
| RMD-15 - Residential Medium Density | PARK - Park Zone | Special Exceptions |
| RMD-25 - Residential Medium Density | IL - Light Industrial | |



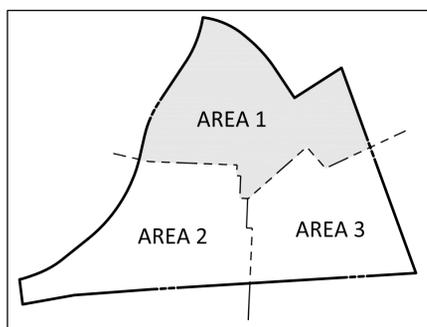
★ Project Location





APPLICANT:
EYA DEVELOPMENT LLC
4800 HAMPDEN LANE SUITE 300
BETHESDA, MD, 20814
PH: 301.634.8600
CONTACT: Aakash Thakkar
e-mail: athakkar@eya.com

OWNER:
BOSTON PROPERTIES LIMITED PARTNERSHIP
2200 PENNSYLVANIA AVENUE, NW
SUITE 200W
WASHINGTON DC 20037
PH: 202.585.0800
CONTACT: JONATHAN KAYLOR
e-mail: jkaylor@bostonproperties.com



KEYMAP

REVISIONS	DATE
1) REVISED PER COMMENTS	2/1/16

PROFESSIONAL SEAL

HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DISTRICT LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. JOHN CARPENTIER LICENSE NO. 36956 EXPIRATION DATE: JUNE 09, 2016

EYA TOWER OAKS
4TH ELECTION DISTRICT
ROCKVILLE
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 216NW07
TAX MAP: GQ33
PARCEL P252
LIBER 15897 FOLIO 157

DETAILED LAND USE PLAN AREA 1

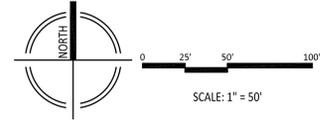
DRAWN BY: JDC
DESIGNED BY: CSB
DATE ISSUED: 8/27/2015
DRAWING NO. PP-2.1

SHEET NO.



PLAN LEGEND

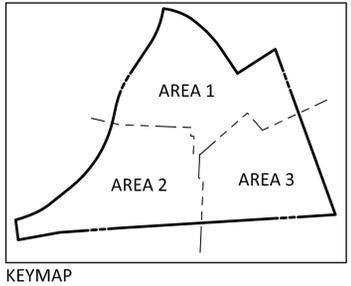
—	PROPERTY LINES	—	EXISTING SANITARY CLEANOUT	—	EXISTING CURB INLET
- - -	PROPOSED SUBDIVISION LOT LINES	—	EXISTING STORM DRAIN MANHOLE	—	EXISTING STORM DRAIN MANHOLE
- - -	ADJACENT PROPERTY LINES	—	EXISTING ELECTRICAL JUNCTION BOX	—	EXISTING ELECTRICAL JUNCTION BOX
—	EXISTING CABLE TELEVISION CONDUIT	—	EXISTING ELECTRICAL MANHOLE	—	EXISTING ELECTRICAL MANHOLE
—	EXISTING ELECTRICAL CONDUIT	—	EXISTING FIRE DEPARTMENT CONNECTION	—	EXISTING FIRE DEPARTMENT CONNECTION
—	EXISTING EDGE OF PAVEMENT	—	EXISTING GAS MANHOLE	—	EXISTING GAS MANHOLE
—	EXISTING FENCE LINE	—	EXISTING GUY POLE	—	EXISTING GUY POLE
—	EXISTING NATURAL GAS CONDUIT	—	EXISTING GAS VALVE	—	EXISTING GAS VALVE
—	EXISTING OVERHEAD WIRES	—	EXISTING LIGHT POLE	—	EXISTING LIGHT POLE
—	EXISTING COMMUNICATIONS CONDUIT	—	EXISTING PHONE PEDESTAL	—	EXISTING PHONE PEDESTAL
—	EXISTING PUBLIC UTILITIES EASEMENTS	—	EXISTING PHONE MANHOLE	—	EXISTING PHONE MANHOLE
—	EXISTING SANITARY SEWER CONDUIT	—	EXISTING UTILITY POLE	—	EXISTING UTILITY POLE
—	EXISTING STORM DRAIN CONDUIT	—	EXISTING SANITARY MANHOLE	—	EXISTING SANITARY MANHOLE
—	EXISTING WATER CONDUIT	—	EXISTING TRAFFIC CONTROL BOX	—	EXISTING TRAFFIC CONTROL BOX
—	EXISTING ZONING LIMITS	—	EXISTING TRAFFIC SIGNAL POLE	—	EXISTING TRAFFIC SIGNAL POLE
—	BUILDING AT GRADE	—	EXISTING TREE	—	EXISTING TREE
—	520 PROPOSED 10' CONTOUR	—	EXISTING CABLE TELEVISION PEDESTAL	—	EXISTING CABLE TELEVISION PEDESTAL
—	524 PROPOSED 2' CONTOUR	—	EXISTING UNKNOWN UTILITY MANHOLE	—	EXISTING UNKNOWN UTILITY MANHOLE
—	PROPOSED WATER LINE	—	EXISTING WATER METER	—	EXISTING WATER METER
—	PROPOSED SANITARY SEWER WITH STRUCTURE	—	EXISTING WATER MANHOLE	—	EXISTING WATER MANHOLE
—	PROPOSED STORM DRAIN	—	EXISTING WATER VALVE	—	EXISTING WATER VALVE
—	PROPOSED OVERALL LIMITS OF DISTURBANCE	—	EXISTING BOLLARD	—	EXISTING BOLLARD
—	PROPOSED FOREST CONSERVATION EASEMENT AREA	—	EXISTING SIGN POST	—	EXISTING SIGN POST
—	LOD	—	EXISTING WOOD POST	—	EXISTING WOOD POST
—		—	EXISTING INLETS	—	EXISTING INLETS



UNIT TYPE, MIX, AND CONFIGURATION MAY BE MODIFIED BY THE OWNER AT SITE PLAN, PROVIDED THAT THE NUMBER OF UNITS MAY NOT EXCEED THE MAXIMUMS PROPOSED.

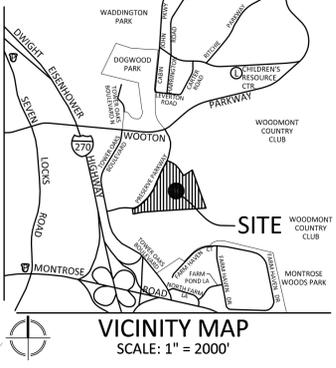
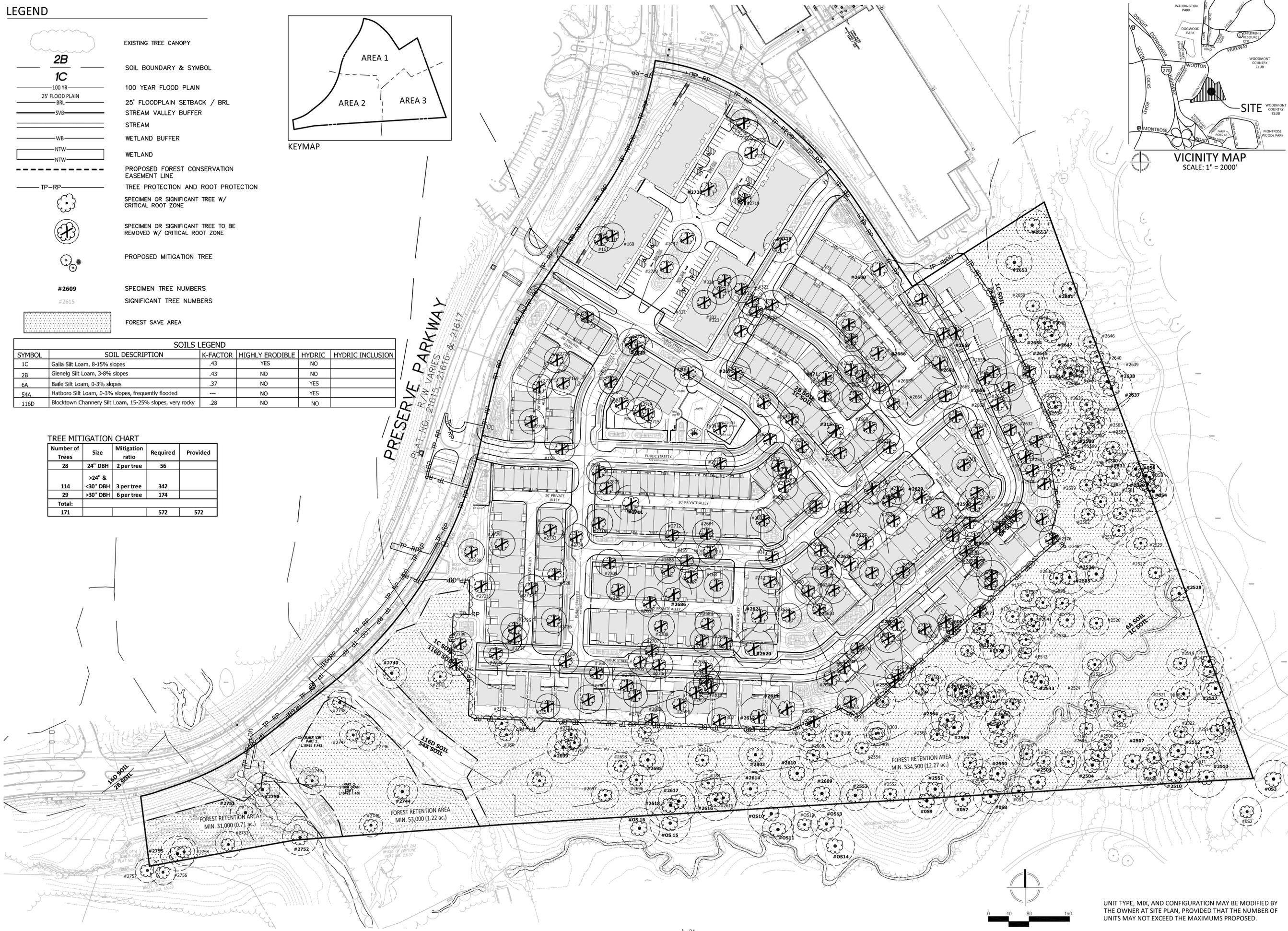
LEGEND

EXISTING TREE CANOPY
 SOIL BOUNDARY & SYMBOL
 100 YEAR FLOOD PLAIN
 25' FLOOD PLAIN
 25' FLOODPLAIN SETBACK / BRL
 STREAM VALLEY BUFFER
 STREAM
 WETLAND BUFFER
 WETLAND
 PROPOSED FOREST CONSERVATION EASEMENT LINE
 TREE PROTECTION AND ROOT PROTECTION
 SPECIMEN OR SIGNIFICANT TREE W/ CRITICAL ROOT ZONE
 SPECIMEN OR SIGNIFICANT TREE TO BE REMOVED W/ CRITICAL ROOT ZONE
 PROPOSED MITIGATION TREE
 SPECIMEN TREE NUMBERS
 SIGNIFICANT TREE NUMBERS
 FOREST SAVE AREA



SOILS LEGEND					
SYMBOL	SOIL DESCRIPTION	K-FACTOR	HIGHLY ERODIBLE	HYDRIC	HYDRIC INCLUSION
1C	Gaia Silt Loam, 8-15% slopes	.43	YES	NO	
2B	Glenelg Silt Loam, 3-8% slopes	.43	NO	NO	
6A	Baile Silt Loam, 0-3% slopes	.37	NO	YES	
54A	Hatboro Silt Loam, 0-3% slopes, frequently flooded	---	NO	YES	
116D	Blocktown Channery Silt Loam, 15-25% slopes, very rocky	.28	NO	NO	

TREE MITIGATION CHART				
Number of Trees	Size	Mitigation ratio	Required	Provided
28	24" DBH	2 per tree	56	
114	>24" & <30" DBH	3 per tree	342	
29	>30" DBH	6 per tree	174	
Total:			572	572



VKA
 ENGINEERS PLANNERS
 LANDSCAPE ARCHITECTS SURVEYORS
 VIKI MARYLAND, LLC
 20251 CENTURY BOULEVARD SUITE #400
 GERMANTOWN, MARYLAND 20874
 PHONE: (301) 916-4100
 FAX: (301) 916-2262
 GERMANTOWN, MD. MCLEAN, VA.

APPLICANT:
EYA DEVELOPMENT LLC
 4800 HAMPTON LANE SUITE 300
 BETHESDA, MD, 20814
 PH: 301.634.8600
 CONTACT: Aakash Thakkar
 e-mail: athakkar@eya.com

OWNER:
BOSTON PROPERTIES LIMITED PARTNERSHIP
 2200 PENNSYLVANIA AVENUE, NW
 SUITE 200W
 WASHINGTON DC 20037
 PH: 202.585.0800
 CONTACT: JONATHON KAYLOR
 e-mail: jkaylor@bostonproperties.com

REVISIONS	DATE
1) REVISED PER COMMENTS	1/8/16

PROFESSIONAL SEAL

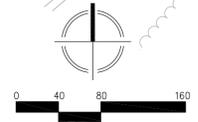
HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
 CHANDA BEAUCHAMP LICENSE No. 1332
 EXPIRATION DATE: SEPTEMBER 7, 2015

EYA TOWER OAKS
 4TH ELECTION DISTRICT
 ROCKVILLE
 MONTGOMERY COUNTY,
 MARYLAND
 WSSC GRID: 216NW07
 TAX MAP: GQ33
 PARCEL P252
 LIBER 15897 FOLIO 154

PRELIMINARY FOREST CONSERVATION PLAN OVERALL

DRAWN BY: JDC
 DESIGNED BY: CSB
 DATE ISSUED: 8/27/2015
 DRAWING NO. PFCP-5.0

UNIT TYPE, MIX, AND CONFIGURATION MAY BE MODIFIED BY THE OWNER AT SITE PLAN, PROVIDED THAT THE NUMBER OF UNITS MAY NOT EXCEED THE MAXIMUMS PROPOSED.





Application for

Project Plan Application/Amendment

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Type of Application:

- Project Plan
 Project Plan Amendment (major)
 Project Plan Amendment (minor)

Please Print Clearly or Type

Property Address information _____

Subdivision _____ Lot (S) _____ Block _____

Zoning _____ Tax Account (S) _____ , _____ , _____

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant _____

Property Owner _____

Architect _____

Engineer _____

Attorney _____

Project Name _____

Project Description _____

STAFF USE ONLY

Application Acceptance:

Application # _____

Pre-Application _____

Date Accepted _____

Staff Contact _____

OR

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes No

Application Information:**Level of review and project impact:**

This information will be used to determine your projects impact, per section 25.07.02 of the Zoning Ordinance for Project Plan and Site Plan applications only.

Tract Size _____ acres, # Dwelling Units Total _____ Square Footage of Non-Residential _____

Residential Area Impact _____ %

Traffic/ Impact/trips _____

Proposed Development:

Retail _____ Sq. Footage Detached Unit _____ Parking Spaces _____

Office _____ Sq. Footage Duplex _____ Handicapped _____

Restaurant _____ Sq. Footage Townhouse _____ # of Long Term _____

Other _____ Sq. Footage Attached _____ # of Short Term _____

Multi-Family _____

Live _____

MPDU _____

Existing Site Use(s) (to include office, industrial, residential, commercial, medical etc.) _____

Estimated Points Total:

To complete the table below, use the information that you provided above to calculate your total points from the chart below.

Points/Elements	1	2	3	4	Points
Tract size - Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	
Dwelling Units	5 or fewer	6 to 50	51 to 150	151 or greater	
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 10,000 square feet	10,001 to 50,000 square feet	50,001 or greater square feet	
Residential Area Impact	No residential development in a residential zone within 1/4 mile of the project	35% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	65% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	
Traffic Impact - Net new peak hour trips	Fewer than 30 trips	30-74 trips	75-149 trips	150 or more trips	
Points Total*					
The total of the points determine the level of notification and the approving authority .					

Based on The Impact Total Your Project will be:

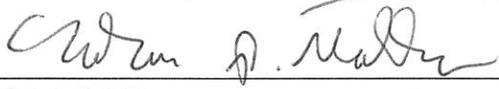
- Project Plan Amendment
- Project Plan Amendment (major)
- Project Plan Amendment (Minor)

Previous Approvals: (if any)

Application Number	Date	Action Taken
<u>NRI 2015-00017</u>	<u>8/3/2015</u>	<u>Approved</u>
<u>PAM 2015-00085</u>	<u>6/25/2015</u>	<u></u>

A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this application.

 6/24/15

Please sign and date

Application Checklist:

The following items are to be furnished as part of this application:

- Completed Application
- Filing Fee (to include Sign Fee)
- Pre-Application Meeting Number _____ and Documentation (Development Review Committee Mtg. notes)
- Proposed Area Meeting Date _____ including location _____
- Concept Site development plan, prepared and certified by a professional engineer. (Twelve (12) copies - Fifteen (15) if on a state highway: (size 24 x 36)(folded to 8 1/2 X 11)
- Approved NRI/FSD (Natural Resources Inventory/Forest Stand Delineation Plan)
- Conceptual Building Elevations & Floor Plan (3 copies)
- CTR (Comprehensive Transportation Review) Report –with fee acceptable to Public Works (copy to CPDS).
- Concept Landscape Plan (6 copies) (size 24” X 36”) (folded to 8 1/2” X 11”).
- Preliminary Forest Conservation Plan (FCP)
- Pre-Application Storm Water Management Concept Package with Fee via Separate Check
- Water and Sewer Authorization Application
- Project narrative to include statement of justification that addresses compliance with all relevant Sections of the Zoning Ordinance, including but not limited to:
 - Comprehensive Master Plan and other plan regulations
 - Master Plan other Plans and Regulations
 - Mixed Use Development Standards, including Layback slope and shadow study (Section 25.13)
 - Landscape, Screening and Lighting Manual
 - Adequate Public Facilities (Section 25.20)
 - Parking (Section 25.16)
 - Signs (Section 25.18)
 - Public use space (Section 25.17)
- Additional information as requested by staff
- Electronic Version of all materials (pdf format acceptable)
- Fire protection site plan

Comments on Submittal: (For Staff Use Only)

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

August 27, 2015

Scott C. Wallace
301.961.5124
swallace@linowes-law.com

Mr. James Wasilak
Chief of Planning
City of Rockville
111 Maryland Avenue, Room 217
Rockville, Maryland 20850

Re: EYA/Tower Oaks – Application for Amendment to the Tower Oaks Planned Development

Dear Mr. Wasilak:

On behalf of our client, EYA (“EYA”) and pursuant to Section 25.14.07.e of the City of Rockville’s Zoning Ordinance (“Zoning Ordinance”), enclosed please find an application for an Amendment to the Planned Development of Tower Oaks (the “Application”), which is subject to the Concept Plan approved by the Mayor and Council by Resolution No. 25-87 on October 12, 1987, as amended by Resolution No. 21-93 (approved September 27, 1993), and as further amended by Resolution No. 1-01 (approved January 8, 2001) (collectively the “Concept Plan”).

The intent of the Application is to allow for development of a maximum of 375 for-sale dwellings units and associated amenities and infrastructure on a portion of Tower Oaks identified as “Area 5” on the Concept Plan (the “Project”). The Application, which is being processed as a Project Plan, will amend the Concept Plan approval for the Property, which currently allows office development up to a maximum of approximately 755,000 square feet on the Property.

The Project, as illustrated in the Application materials, addresses all comments from City Staff provided at the Development Review Committee meetings held on April 16, 2014 and June 25, 2015.

1. Background

The Property, zoned Planned Development – Tower Oaks (PD-TO), is currently undeveloped land in the Preserve at Tower Oaks portion of the Tower Oaks 192-acre comprehensive planned development (the “Property”). The Property contains approximately 40.74 acres and is located on the east side of Preserve Parkway approximately 1,000 feet east of the intersection of Preserve Parkway and Tower Oaks Boulevard.

Mr. James Wasilak
August 27, 2015
Page 2

2. Previous Approvals

Development on the Property is subject to the terms and conditions of the Concept Plan. The Property, pursuant to the Concept Plan, is approved for approximately 755,000 SF of office uses in three buildings up to 125 feet in height and associated structured and surface parking facilities and infrastructure.¹

3. The Project

This Application proposes to amend the Concept Plan to allow, as an alternate development option to the approved office use, the design and construction of up to 375 for-sale housing units. While not age restricted, the Project will provide homes with elevators, homes with one-floor living, homes with bedrooms on the main living level, and on-site community amenities and activities that will be attractive to the “empty nester” age demographic. As shown on the Land Use Plan submitted with the Application, the Applicant proposes 336 units with approximately 30 detached houses, 194 townhouses, and 112 condominium units. The Project will be constructed in multiple phases over almost a decade. Over time, changing market needs could necessitate an updated mix of units and counts. Accordingly, the Applicant requests approval of a maximum of 375 total units for the Project to allow sufficient flexibility to meet the needs of a future market.

12.5% of the total unit count will be provided as Moderately Priced Dwelling Units (“MPDUs”). All of the MPDUs will be provided as fee-simple, townhouse units. They will be three to four stories, have at least three bedrooms and two bathrooms, and will be approximately 1500 square feet, exceeding the City’s requirements. Their footprint will be approximately 14 feet by 34 feet, which is generally consistent with EYA’s successful MPDU offerings at Falls Grove in the City, throughout Montgomery County, and in many other locations in the region. These MPDUs will be dispersed throughout the townhouse portions of the Project and will have high quality interior finishes, and exterior finishes that are indistinguishable from the market rate units. The Applicant concurs that the final plans for the Project should include a balanced integration of the MPDU townhomes throughout the townhome portions of the project and will address this issue at the time of Site Plan.

¹ If the Application is approved to allow the development of the Project, the Applicant requests the office use and density approved by the Concept Plan be retained as an alternative development option for the Property. Any such office development would be required to be reviewed and approved by one or more Site Plan applications.

Mr. James Wasilak
August 27, 2015
Page 3

By providing all of the MPDUs as townhouse units instead of providing a portion as condominium units, the MPDUs will be more affordable to MPDU buyers because the condominium buildings have more community amenities and shared common areas - hallways, building utilities, building façades, structured parking garages, etc. – than the townhouse units, and therefore have significantly higher association fees. Condominium fees can easily be four to five times higher than homeowner association fees. For example, a 1500 square foot MPDU could have a homeowner association fee of \$150-\$200/month while a condominium of the same size could have a condominium fee of \$700 - \$1000/month.

Moreover, in the Applicant's experience, the provision of MPDU's in fee-simple homes, as opposed to in multi-family condominiums are more attractive to families in need of affordable housing. The townhomes will have their own front door, their own in-house, garage parking spaces and substantially lower association fees.² Families with children make up the preponderance of MPDU purchasers and they typically have a strong preference for fee-simple townhome as oppose to condominiums. These townhomes will result in a new set of in-demand affordable housing options for families in the City. Overall, EYA has a second-to-none track record of providing high-quality MPDU's and will deliver that same level of quality at Tower Oaks.

The Project also proposes associated amenities, including an approximately 7,000 s.f. community center that is proposed to include a pool, recreational facilities and on-site dining and grocery services for the Project's residents. Further, the Project as illustrated in the Composite Land Use Plan filed with the Application approximately a minimum of 68% open space, and approximately 14,690 s.f. of public use space. The area and location of open area and public use space will be determined at Site Plan approval, but in no case will be less than the required open areas and public use space under the MXE Zone be provided. Further, more than 14 acres of forest will retained on-site in satisfaction of the City's forest conservation goals.

² The townhouse MPDUs will have a two-car garage as a standard feature, which meets the Zoning Ordinance requirement of 2 off-street parking spaces for townhouses. At the buyer's option, the MPDU townhouse can be designed with a one-car garage and an added den. For these units, the Applicant requests a reduction from the 2-space requirement pursuant to Section 25.16.03.h.1. On-street parking spaces will be available in close proximity to units that have a one- car garage, which will provide adequate parking for homeowners and guests. Moreover, it is the Applicant's experience with other projects it has developed that buyers like the flexibility to choose the option for a one-car garage with added den based on the buyer's particular circumstances and needs.

Mr. James Wasilak
August 27, 2015
Page 4

Access to the Project will be from three points along Preserve Parkway. The pavement/travel lanes and sidewalks along the internal street network will be dedicated to the City as public right of way and private alleys providing access to the rear of the townhouse units. In a few areas, the typical right-of-way width and pavement width have been reduced to allow for more compact and efficient design and layout and added stormwater management provided by environmental site design features. The Application includes a detailed waiver request for ROW and pavement widths. In addition, utilities and environmental site design measures will also be installed and maintained by the Applicant in the right-of-way as non-standard features. The proposed design guidelines for the internal streets and alleys are shown on the Street Section Exhibit included with the Application.

It is anticipated that Project approvals will extend into the second quarter of 2016, and that the Project will begin construction in 2018 and be completed, in phases, by 2024/25.

4. Community Outreach

A Pre-Application Area Meeting was held on March 31, 2015, and the Pre-Application Area Meeting Application was filed with the City on May 20, 2015. The minutes and sign-in sheet from that meeting were filed with the City on June 16, 2015 with the affidavit of area meeting. The Post-Application Area Meeting is scheduled for September 9, 2015. Minutes of that meeting will be submitted with the affidavit prior to DRC.

5. Compliance with Zoning Ordinance's Project Plan Requirements

The Project satisfies the general findings of Section 25.07.01.b.2 of the Zoning Ordinance. First, it will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project. The Project will instead improve currently vacant land with an attractive, mix of new residential units that will activate the area. The additional residential uses will also serve to strengthen the mixed-use character of Tower Oaks, adding activity that will enliven the area and benefit the community.

Second, the Project is not in conflict with the Plans, as defined in the Zoning Ordinance. The entire 192-acre Tower Oaks property was initially approved for mixed-use development (office, residential, hotel, health club and restaurant uses) in the Concept Plan. Since the initial approval of the Concept Plan and subsequent amendments, components of the approved office, residential and restaurant uses have been developed and all infrastructures to support the approved density has been constructed by the Tower Oak's developers.

The City's 1985 Master Plan explained the goal of a mix of commercial office and residential uses at Tower Oaks as follows:

Mr. James Wasilak
August 27, 2015
Page 5

- Research, office and corporate headquarters could provide a residential component that could achieve a closer space/time linkage between home and work. (p. VI-18)

This goal is reinforced in the City's 2002 Comprehensive Master Plan as expressed in the following Land Use and Economic Development recommendations:

- Encourage residential land use within the City so that the "Jobs to Houses" ratio is reduced. (p. 2-1)
- Encourage an appropriate balance of office, retail, industrial and residential uses and an emphasis on mixed-use development. (p. 12-1)

The Project is entirely consistent with these goals and recommendations. The Project would locate a significant residential community immediately adjacent to an office building located at 1 Preserve Parkway, and within walking or biking distance to several other office buildings in and around Tower Oaks. Further, Tower Oaks has easy access to the employment uses in Rockville's Town Center and along the I-270 Corridor. In this way, the Project contributes to shorter commute times, and the reduction of SOV trips, in furtherance of the stated goals and recommendations of the Plans. In addition, development of a residential community in this portion of Tower Oaks will enhance the viability of the exiting office development, as well as future office development in the Tower Companies' portion of Tower Oaks, which is a key benefit of mixed-use development.

Moreover, the 2002 Comprehensive Master Plan emphasizes the need to provide a variety of housing types in the City, including homeownership opportunities:

- Ensure a mix of housing types and price ranges to meet diverse needs of different sectors of the City's population, with an emphasis on the importance of owner-occupied housing. (p. 2-1)
- Increase opportunities for homeownership for persons of all income levels. (p. 10-1)
- Maintain an appropriate mix of ownership and rental opportunities in the City. (p. 10-1)
- Encourage multifamily housing in mixed-use areas of development. (p. 10-1)
- Create a balance between different housing types. (p. 10-1)

Mr. James Wasilak
August 27, 2015
Page 6

- Encourage the construction of housing alternatives for an aging population – may need economic incentives or flexible zoning options for development variances for this to occur. (p. 10-1)

The Project would significantly advance these goals and recommendations by offering a variety of housing ownership opportunities, including multi-family, attached and detached units, and a significant number of MPDUs. The Project creates a unique residential amenity for the City that will appeal and be accessible to a diverse range of age groups and income levels.

Third, the Project will not overburden existing and programmed public facilities. Pursuant to the Concept Plan, all of the City's adequate public facilities requirements for transportation for the Project have been satisfied. It is noted, however, that the replacement of 755,000 square feet of approved office uses with the proposed residential units will decrease the number of traffic trips generated by the Property.

As referenced above, the Project proposes both public streets and private alleys to serve the dwelling units and community amenities. This road network will be designed to provide safe and efficient vehicular and pedestrian circulation within the Property. The travel lanes meet applicable public street design standards, except in a few areas where parking lanes are reduced by bump outs to allow for additional ESD features. Any non-standard improvements will be maintained by the Owner's Association for the Project, and the Association's governing documents will require adequate funds be collected to ensure the areas will be well-maintained, including seasonal upkeep, such as snow removal and landscape maintenance, as well as structural maintenance. Retaining ownership of the sidewalk and landscape strips provides the Applicant with the flexibility to balance the shared goals of the City and the applicant, including environmentally sensitive stormwater management, efficient placement of utilities, creation and expansion of the on-site tree canopy adjacent to the streets, and use, maintenance, and upkeep of those areas for all residents.

The Property will be served with public water and sewer. The allocation of sewer capacity from the approved office use is required for the Project and is reserved for use by the Project. Adequate water service is also existing for the Property.

As to public schools, the Property is located in the Richard Montgomery Cluster, and students generated by the Project would attend Richard Montgomery High School, Julius West Middle School and Beall Elementary School. Under the City's Adequate Public Facilities Standards, school standards, the Richard Montgomery Cluster is adequate at all three school levels. Accordingly, there is adequate school capacity at all three school levels that serve the Property. Finally, fire and emergency services are adequate for the Project.

Mr. James Wasilak
August 27, 2015
Page 7

Fourth, for the reasons stated above, and as addressed in the Application materials, the Project does not constitute a violation of any provision of the Zoning Ordinance or other applicable law. As shown on the Project Plan included with this Application, the proposed Project meets or exceeds the development standards of the Mixed-Use Employment (“MXE”) zone, and as well as development standards set in the Concept Plan. Further, parking, lighting, open space, signage and landscaping for the Project are all in accord with the City’s requirements. Concept open area and public use space plans are enclosed with the Application.

Fifth, the Project will not adversely affect the natural resources or environment of the City or surrounding areas. As shown on the Pre-Application Stormwater Management concept package filed with the PAM submission, the Application incorporates environmental site design into the Project’s stormwater management concept. In addition, the Project proposes significant tree save measures, including a tree buffer between the Project and Woodmont Country Club to the east and south. Overall, approximately 14.19 acres of existing forest is being retained on the Property. This forest conservation acreage is unchanged from the forest conservation acreage approved with the Concept Plan for 755,000 square feet of office development on the Property.

In summary, the Project will address important City goals by providing high-quality, market rate, home-ownership housing, providing home-ownership MPDU’s, preserving significant amounts of existing forest, increasing the City’s tax base, increasing school facilities payments to the County, and providing a well-designed, new neighborhood that will be attractive to empty nesters and others in and around the City seeking out a high-quality, low-maintenance lifestyle.

For all of these reasons, the Project complies with the City’s Project Plan finding requirements.

6. List of enclosures

Enclosed please find copies of each of the following, associated with the Application:

- (1) Completed Project Plan Application;
- (2) Checks for the necessary filing fees (including sign fee);
- (3) Comments from the June 24, 2015 Pre-Application Development Review Committee meeting
- (4) Land Use Plan (Composite and Detailed) prepared and sealed by a Licensed Land Surveyor or engineer (12 copies);
- (5) Approved NRI/FSD

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW

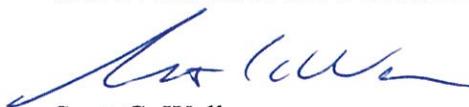
Mr. James Wasilak
August 27, 2015
Page 8

- (6) Typical Architectural Elevations and Floor Plans (3 copies)
- (7) Transportation Scoping Intake Form;
- (8) Concept Landscape Plan (6 copies)
- (9) Preliminary Forest Conservation Plan (FCP)
- (10) Updated Storm Water Management Concept
- (11) Water and Sewer Authorization Application (enclosed for reference, application previously submitted);
- (12) Design Modification Request
- (13) Pedestrian Circulation Exhibit
- (14) Open Area Exhibit
- (15) Preliminary Color Utility Exhibit
- (16) Street Section Exhibit
- (17) Preliminary Grade Establishment Plans
- (18) Electronic version of all materials; and
- (19) Preliminary Fire Protection Site Plan

We look forward to working with you on this matter. If you have any questions or concerns, or need any additional information, please feel free to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



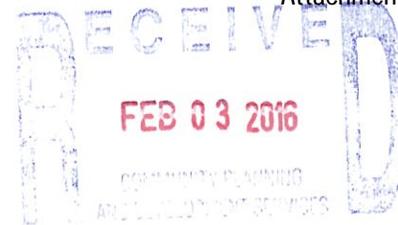
Scott C. Wallace

Enclosures

Mr. James Wasilak
August 27, 2015
Page 9

cc: Mr. Bobby Ray
Mr. Aakash Thakkar
Mr. Wyndham Robertson
Mr. Jack McLaurin
Mr. Ken Jonmaire
Mr. Mark Morelock
Mr. Josh Sloan
Mr. John Clapsaddle
Ms. Chanda Beaufort
Mr. James Chapman

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW



February 1, 2016

Scott C. Wallace
swallace@linowes-law.com
301.961.5124

Mr. Bobby Ray
Mr. Brian Wilson
Department of Community Planning and Development Services
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: EYA - Tower Oaks -PJT2016-00006 (the "Project Plan")

Dear Messrs. Ray and Wilson:

Enclosed is EYA's revised Project Plan submission which responds to the comments received at the informational meetings with the Planning Commission and the Mayor and Council in early December 2015 and the October 8, 2015 Development Review Committee ("DRC") meeting. In particular, we have revised the following Project Plan sheets and exhibits:

- Project Plan Sheets, PP 1.0 – 2.3
- Concept Landscape Plan – Sheet L4.0
- Recreation Area Exhibit – Sheet L4.1
- Concept Park Detail Plan – Sheet L4.2
- Preliminary Forest Conservation Plan – Sheets PFCP 5.0-5.5
- Pedestrian Circulation Exhibit – Exh. 8.0
- Preliminary Open Area Exhibit – Exh. 8.1
- Street Section Exhibit – Exh. 8.3

We request that the Project Plan (PP 1.0-2.3), the Concept Landscape Plan (L4.0), and Street Section Exhibit 8.3 be collectively considered for purposes of review and action by the Mayor and Council.

The revisions are highlighted in red on the revised plans and are detailed in the enclosed response letter prepared by VIKA, the project's civil engineer, dated January 28, 2016. In addition, we wish to highlight EYA's specific responses to the following issues raised at the informational meetings.

Building Height – In direct response to comments received at the informational meetings with the Planning Commission and the Mayor and Council, the maximum building height for the multifamily buildings has been reduced from 120' to 80'. The current zoning for the site allows up to 120 feet for the commercial uses. EYA concurs with the comments it received at the briefings and believes that the maximum of 80' will complement the for-sale townhomes and single-family homes that make up the majority of the project.

Mr. Bobby Ray
Mr. Brian Wilson
February 1, 2016
Page 2

Recreation Space – The Project Plan provides approximately 22.76 acres of open area, (approximately 65% of the net lot area), including approximately 0.91 acres of public use space (approximately 13% of the net lot area). The required amount of public use space is 0.4 acres. In response to comments raised at the informational meetings, EYA has enhanced the programmed amenity features of the Community Center and Central Park to expand the variety of active recreational facilities available for residents and visitors. As shown on the revised Concept Landscape Plan, included with the resubmission package, a multi-use activity space and a large open lawn area are now provided adjacent to the pool facilities at the Community Center. The multi-use activity space is primarily designed for basketball, but can also accommodate a wall for handball, tennis or pickle ball practice. The lawn area can be used for active recreation, such as bocce ball, croquet and Frisbee, as well as passive uses. We believe these amenities will appeal to teens and adults. For children, a well-sized play area is provided and includes play, climbing and balancing equipment. Exercise stations have now been provided at both ends of the proposed natural surface trail through the forest conservation area to provide a workout circuit for trail users. The natural surface trail will be a significant amenity to the residents and, if approved by the City, will be open to the public. The Community Center itself will provide a gym, party room with catering kitchen, lounges, and meeting spaces. Further detail will be provided at time of Site Plan. Overall, EYA believes that the approximately 22.76 acres of open area, along with the enhanced indoor and outdoor amenity facilities, will serve the varied interests of residents and visitors to the community.

Parking - At information sessions, there were questions raised concerning parking. The project will meet the City's parking requirements and all the townhomes and single-family homes will provide a minimum of two dedicated parking spaces, in garages and driveways. In addition there are 167 visitor parking spaces on the streets throughout the project, including 35 parking spaces surrounding the Community Center and Central Park to ensure adequate parking for those amenities. The Community Center is, by design, centrally located to facilitate walking and biking for residents. In addition, there is no public retail component to the project, hence reducing the need for additional parking. At time of Site Plan, EYA will engage with the adjacent office-building owner to determine if they will allow use of the office-parking garage by EYA residents, if needed, for large events and functions. Overall, EYA has provided sufficient parking for the homes, for visitors, and for the amenities, consistent with the City's requirements and consistent with similar projects in the City and County.

Approved Office Density We have revised Note 4 on Project Plan Sheet 2.0 regarding retention of the approved office density to clearly state that the office approval expires at the earlier to occur of 5 years after site plan approval for the EYA project or the issuance of building permit for the EYA project.

Transit Stop and Bike Share Station – Currently, the closest bus stop to the property is at the intersection of Preserve Parkway and Wootton Parkway, less than ¼ mile from the main entrance



Mr. Bobby Ray
 Mr. Brian Wilson
 February 1, 2016
 Page 3

to the project on Preserve Parkway. Pedestrians and bicyclists can easily access that stop from existing sidewalks along Preserve Parkway. This stop is served by Ride-On Route 81, which provides service to the Rockville and White Flint Metro Stations.

In order to enhance transit accessibility for residents and visitors to the projects, EYA has contacted County Ride-On staff to discuss the feasibility of bringing Ride-On to the property and has located an area near the project entrance that could accommodate a bus stop. EYA will follow up with County staff on this issue and will be able to accommodate a bus stop if the County is willing to extend its service to the Property.

If Ride-On is not willing to extend its service, at the time of Site Plan, EYA will explore private shuttle service from the project to primary destinations such as Rockville Pike and Rockville Town Center. EYA's preference is to work with the County, City, and Ride On to ensure that public transit is easily accessible and hence the first choice for the new residents.

With regard to bicycle connections, the property connects to the City's Millennium Bike Trail on Wootton Parkway via the existing sidewalks on Preserve Parkway. In order to promote bicycle use and enhance the transportation options for residents and visitors, EYA has located an area on the north side of the property at the shared driveway with the existing office building at 1 Preserve Parkway that could accommodate a Bike-Share Station. EYA will also install signage within the community that directs bicyclists to the Millennium Trail.

In addition to addressing the questions raised at the informational briefings, the project offers strong community benefits, including the following:

Affordable Housing – It was noted at the information sessions that affordable housing is of paramount importance to the City. EYA shares the City's view and with 42 affordable townhome units (assuming a total of 336 units), this project provides the largest amount of new, for-sale affordable housing units in the City in several years. As important, the new homes will be integrated throughout the market rate townhomes and will be designed with the same level of care and quality. Unlike affordable apartments, the size of these homes are large enough for families. The affordable homes will also have access to the many amenities that the project offers, thereby ensuring both high-quality homes and a vibrant new community for all residents, affordable and market rate.

For-Sale Housing – The project is all for-sale housing. The result will be a vibrant, stable new neighborhood that will contribute to the City's sense of community and provide positive fiscal impact to the City.

Transportation and Infrastructure - Boston Properties has completed the traffic and transportation improvements required for the 750,000 square feet of office space planned for this

Mr. Bobby Ray
Mr. Brian Wilson
February 1, 2016
Page 4

site. EYA's residential proposal produces 471 total peak hour traffic trips while the office plans produce 2,383 peak hour trips, **a reduction of 1912 trips**. In summary, the site has more than adequate infrastructure and transportation improvements for a project much larger than EYA's and the reduction in trips is substantial and is a significant benefit to the broader community.

Stormwater Management – EYA has worked closely with staff to develop a sustainable stormwater management plan that meets or exceeds the Rockville City Code requirements. The stormwater systems proposed utilize Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). The PAM Stormwater Concept Plan, which has been conditionally approved, demonstrates that the site can accommodate 100% of the target treatment volume through ESD measures for the on-site areas of development. The proposed stormwater system uses a number of innovative techniques such as micro-bioretenion (rain gardens), bio-swales and infiltration through the use of drywells all of which address stormwater and environmental concerns while also serving as a model for future City projects.

Tree Preservation – The project provides 14.2 acres (34%) of tree preserve on the 41.7-acre site. In addition to the open spaces and amenities described above, the tree preserve will ensure that 34% of the site will be kept as forest in perpetuity. As discussed, we are exploring the viability of running a natural trail through portions of the tree preserve such that this amenity can be opened up to residents and the public (similar to the Billy Goat trail in Montgomery County).

In summary, the proposed revisions to the Project Plan provide a thoughtful response to the comments received at the informational hearings with the City and the project in its entirety proposes a number of important benefits that align with the City's goals. We look forward to proceeding with a formal presentation to the Planning Commission and the Mayor and Council, and appreciate the efforts of City Staff on this important project. If you have any questions, please do not hesitate to contact me or the EYA team.

Very truly yours,

LINOWES AND BLOCHER LLP



Scott C. Wallace

Enclosures

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

-2-

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

-3-

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

Resolution No. 1-01

-4-

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.

Resolution No. 1-01

-5-

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

Resolution No. 1-01

-6-

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

-7-

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.

Resolution No. 1-01

-8-

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.

Resolution No. 1-01

-9-

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.

Resolution No. 1-01

-10-

(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

Resolution No. 1-01

-11-

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

Resolution No. 1-01

-12-

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

Resolution No. 1-01

-13-

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

Resolution No. 1-01

-14-

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

Resolution No. 1-01

-15-

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

Resolution No. 1-01

-16-

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

Resolution No. 1-01

-17-

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.

Resolution No. 1-01

-18-

(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

Resolution No. 1-01

-19-

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

Resolution No. 1-01

-20-

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.

Resolution No. 1-01

-21-

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

Resolution No. 1-01

-22-

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).

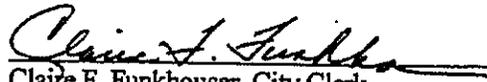
d. Development of the Project pursuant to this Concept Plan, as amended, may proceed before final determination as to what, if any, stormwater management facility is to be located in the Stream Valley Park or prior to the construction of any said Facility. However, in such event, Applicant must, as may 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.

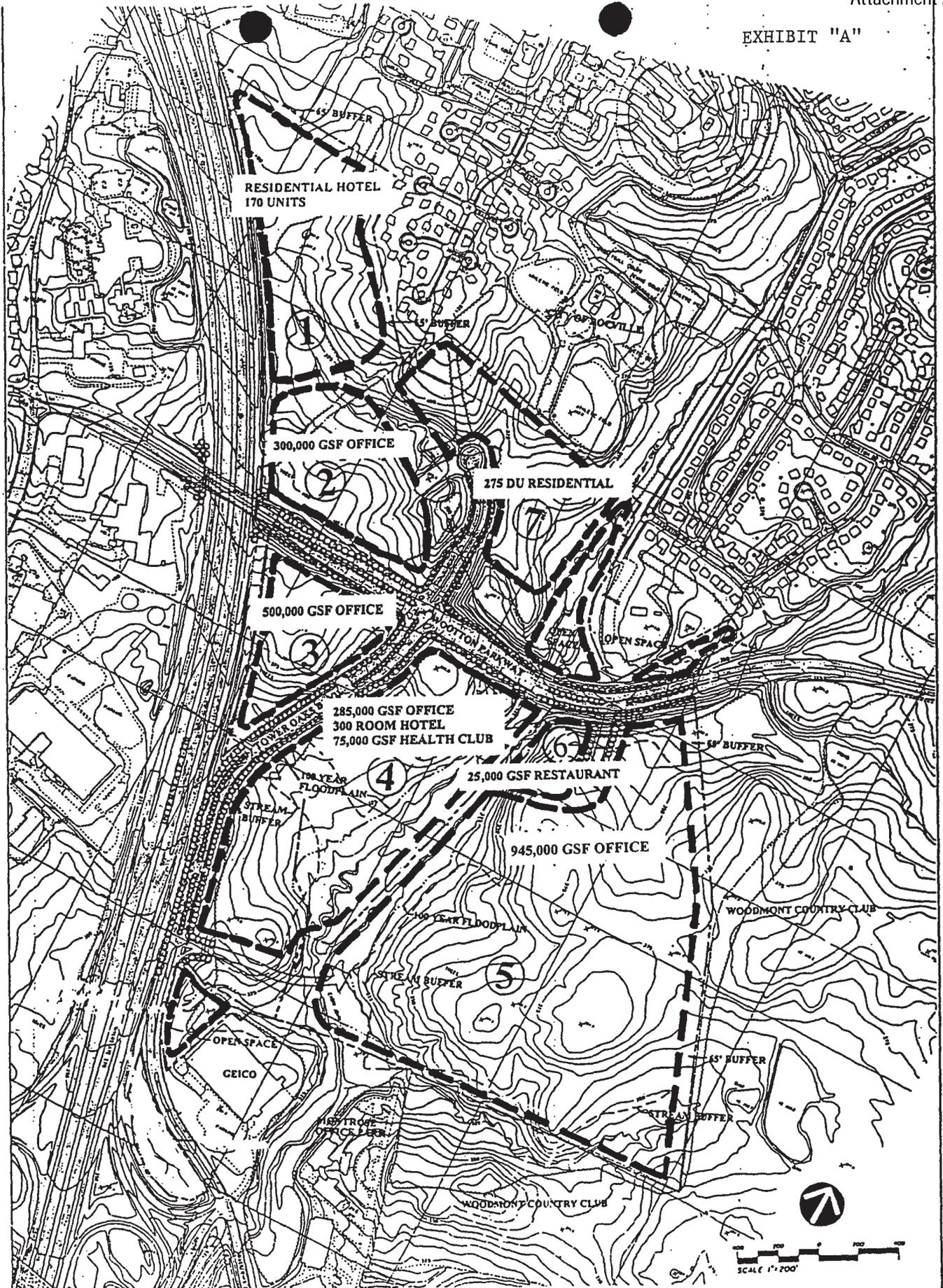
Resolution No. 1-01

-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

A COMPREHENSIVE
PLANNED
DEVELOPMENT.

Rose G. Krasnow
5 Don Mills Court
Rockville, MD 20850



April 8, 2016

Mr. Charles Littlefield
Chair, Rockville Planning Commission
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Littlefield,

I had hoped to appear before you in person to speak in support of the EYA project in Tower Oaks. However, as it turns out, I am leaving town on the morning of April 13th to attend my son's wedding! Therefore, I am writing to share with you my strong hope that you will vote in favor of this project, which will be so advantageous to our city.

A little history is in order. In 1980, I moved to New Mark Commons, which is immediately adjacent to the Tower Oaks property. At that time, all of the land in Tower Oaks was zoned residential, and our community was quite upset when, in 1985, the City decided to change the zoning from residential to office. While the Tower Oaks land has been developed in an attractive manner over the years, the pace of such development has been slow. More than thirty years later, there is still significant developable land remaining, largely because both the economy and the office market have been weak. I think it is fair to say that we are simply not going to see the currently approved plan for 755,000 square feet of office space in 125 foot tall buildings happen anytime soon. Therefore, developing the 40 acres in question as quality residential units with a diversity of housing types makes much more sense and will have numerous benefits, as I discuss below.

EYA is proposing to build a maximum of 375 dwelling units (182 townhomes, 30 single-family homes and 120 apartments) over a period of ten years. In other words, we will not see a large influx of new units appearing all at once, so impacts on schools and other infrastructure will be minimized. The additional residential units will help support nearby businesses and restaurants, particularly in Town Center, where we are still missing an adequate critical mass to ensure that the heart of our city can grow and thrive. These residential units will also contribute significant tax revenue to the city's general fund to help pay for our wonderful city services, including parks, roads, recreational programming and public safety services. The project should generate \$1 million in new taxes for the city and an additional \$2.5 million in property tax revenue for the county, annually.

The development will have many other benefits for the city as well. 12.5% of the residential units will be affordable, including townhouse units with at least three bedrooms and 1500 square feet. Increasing the supply of affordable housing is an important goal of the city, and this project will help by being such a desirable place to live and having larger units that exceed the city's

minimum requirements. From an environmental standpoint, the development will include over 65 percent open space, including 14 acres set aside as a wooded preserve. More than 900 new trees will also be planted on site. The proposal also recommends adding Ride-On or a private shuttle to promote the use of public transportation. Moreover, from a traffic standpoint, this project will produce significantly fewer peak hour trips than the office development that was previously approved.

Finally, I want to point out that you could not ask for a better developer than EYA. When I was Mayor, we were delighted to have EYA as one of the key players in the development of Fallsgrove, a community that has turned into one of the city's jewels. In my current role at the County Planning Department, I have worked with EYA on communities such as Grosvenor Heights and Little Falls Place in Bethesda, and Park Potomac, which is located just outside of the city, and should, in truth, be part of Rockville since the land sits within our urban growth limits. In every instance, we are talking about very high quality development which has earned EYA a very strong, national reputation. We should be delighted that EYA wants to develop in our city, turning a desirable piece of property that has sat vacant for many years into a wonderful new community in Rockville.

Again, I strongly urge you to vote in favor of the EYA project.

Sincerely,



Rose G. Krasnow



301-294-3000
104 S. Washington Street
Rockville MD 20850

www.HillstromHomes.com

April 10, 2016

Mr. Charles Littlefield
Chairman
Planning Commission
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

Dear Chairman Littlefield,

As the owner of a long-time Rockville business, I am writing to you to encourage you and your fellow commissioners to approve EYA's plans for its new housing development in Tower Oaks.

I am supporting this application for multiple reasons: I believe this new development is the type of high-quality development that Rockville should encourage for continued growth, for sound economic development and as a reliable source of annual tax revenues. The new homeowners will make substantial tax contributions to the county. They will also be the residents who will be spending their money locally on the businesses that are the fabric of this City,

As a veteran Realtor in Rockville, I am also familiar with the excellent product that EYA creates and the positive reputation that follows them. We can look to their work in Falls Grove, Symphony Park and Park Potomac for good examples of what they would build in Tower Oaks.

In my view – and I hope in yours – this is a plan that should be approved. It represents good development, good design, good quality and an excellent addition to the City of Rockville.

Sincerely,

Paul Hillstrom
Hillstrom Real Estate
301-294-3000

JAMES E. REID, JR.
Auto-Life-Health-Home and Business
131 Rollins Ave., Suite 2A
Rockville, Maryland 20852

JIMMY.REID.BV02@STATE FARM.COM
Phone (301) 881-2253 Fax (301) 881-1237
Voice Mail (301) 881-4012

April 12, 2016



Mr. Charles Littlefield
Chairman, Rockville Planning Commission
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Littlefield,

Re: EYA Development @ Tower Oaks

My name is Jimmy Reid, and I have been a Rockville resident for almost 60 years. During that time I have seen a lot of changes in our community. In addition, I am a State Farm Agent, located in Rockville for over 36 years. The one proposed by EYA for the Tower Oaks property is a good one.

I believe the development proposed by EYA on the Tower Oaks site is the right plan for this site. No longer in favor are large suburban office parks like those already approved on this property. The community has enough office space for the current users, and plenty available square footage if a company wants to relocate here in the future. A recent Office Market Assessment by Partners for Economic Solutions (commissioned by Montgomery County) recommended that the area reduce the supply of non-competitive office space by converting to hotels, **housing**, or other uses. Converting the planned office space use here to housing can help support the adjacent Tower Oaks boulevard office complex already in use.

A well planned, environmentally friendly project that has housing types to fit the needs of new residents would be a benefit to the community. This project projects a ten-year build out of the plan that also provides affordable housing options in townhomes, a much-needed housing type in this category.

The proposal also describes homes with one-floor living and bedroom on the main level which is attractive to empty nesters and special needs populations who currently have limited new housing options with these attractive configurations.

I would encourage this planning commission to consider approval of this plan

Sincerely,

A handwritten signature in black ink that reads "Jimmy Reid".

Jimmy Reid, Jr.
Agent for State Farm Insurance
301-881-2253

April 13, 2016

Mr. Charles Littlefield
Chairman, Rockville Planning Commission
Rockville City Hall
111 Maryland Avenue
Rockville, Md. 20850

Dear Chairman Littlefield,

I am the owner of The Bean Bag Deli and Catering Co. located off East Gude Drive in Rockville. As a family-owned business in Rockville we take great pride in being a part of this community and serving those residents who live here.

We rely on our residents to support our business and rely on our quality of product to keep them coming back.

We support EYA's plan to develop a new home community in Tower Oaks, a place where infrastructure already exists to support it. We also are encouraged by a new residential options on the west side of I-270 that can help to sustain and grow our small, locally-owned business. Our restaurant and catering business is just three miles from this site and we welcome the opportunity to meet new residents that this mix of housing can bring to the area.

We look forward to your approval of this project.

Sincerely,

Robyn Parks
The Bean Bag Deli and Catering Co.
1605 East Gude Drive, Rockville
301-251-4794



April 13, 2016

Charles Littlefield
Chairman, Rockville Planning Commission
111 Maryland Avenue
Rockville, Md. 20850

Dear Chairman Littlefield,

My name is Ralph Bennett. I am an architect, former Commissioner and Chair of the Housing Opportunities Commission and Vice-Chair of the Affordable Housing Conference of Montgomery County. We would welcome you to our 25 anniversary conference coming up May 16.

My firm acts as the Community Architects for the King Farm. We are committed to mixed use communities and welcome this proposal to put housing near employment in Rockville.

I understand that a current plan for this site consists of three, 125-foot high office buildings and structured parking . I believe that adding housing here as the EYA Tower Oaks plan does will offer a significant start in building communities in this part of Rockville, rather than more, single use development.

I am especially pleased that the moderately-priced-dwelling-units planned for this site are townhomes, a much-needed housing option in this program. New homes and specifically townhomes with two and three bedrooms are needed by many first-time homebuyers in this category - this plan will add 42 affordable town houses to Rockville.

Transportation alternatives to cars are essential; the project commits to shuttle or Ride-On service for the community.

I encourage this commission to approve EYA's plans for this site.



Ralph Bennett

Ralph Bennett, FAIA, LEED AP (BD&C)
Bennett Frank McCarthy Architects, Inc
1400 Spring Street, Suite 320
Silver Spring, MD 20910-2755
301.585.2222 FAX 301.585.8917

November 30, 2015

Dear City of Rockville Planning Commission:

As long-time City of Rockville residents, we would like to submit these significant concerns to the Planning Commission regarding the EYA Tower Oaks proposal located on Preserve Parkway.

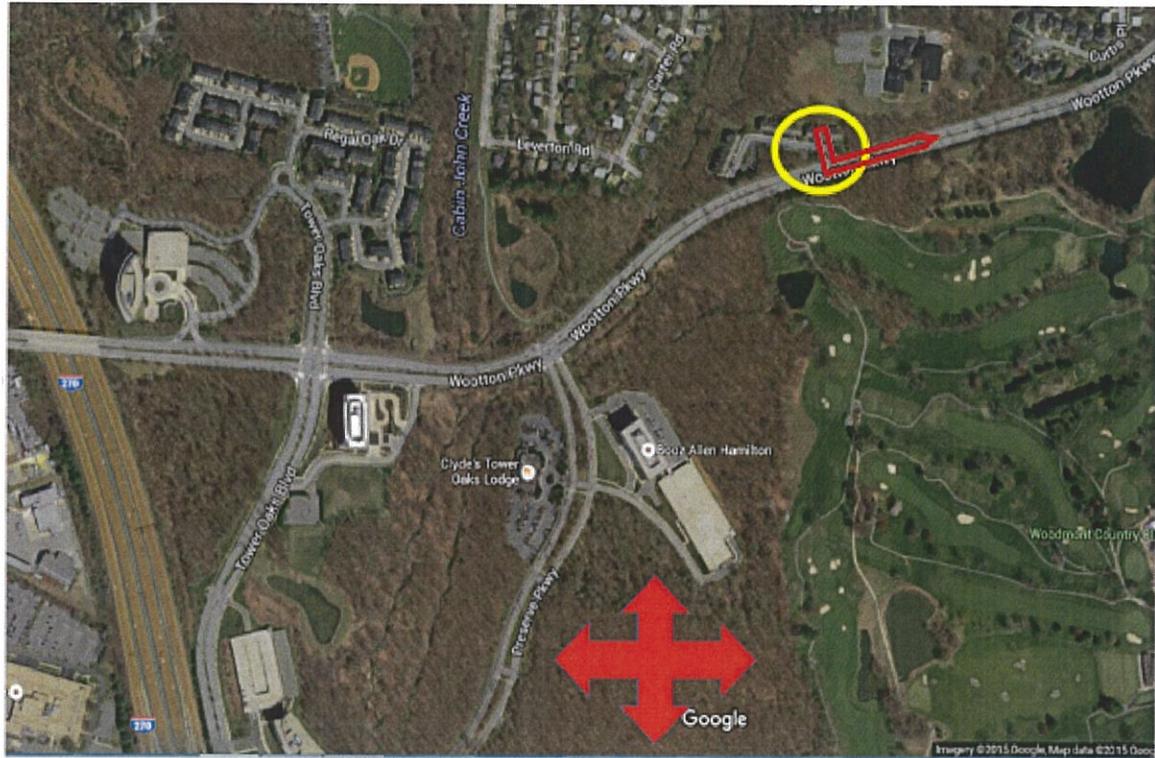
1. We are very concerned about traffic and driver safety turning out on to Wootton Parkway from Wootton Oaks Court.

If 375 housing units will be for sale, and the development is intended for the “empty-nesters” demographic. We understand that this includes 35 detached homes, 210 townhomes, and 120 condominium units. At a minimum, there will at least 375 cars associated with the residents of the development. More than likely there will be at least two drivers per household plus (e.g. in-law suites), bringing the number of new cars on the road to more than 750. Once visitors, deliveries etc. are added going to and from this development throughout the day, the amount of traffic in the area further increases. And it is doubtful that a significant portion of these empty-nesters would walk down to Wootton Parkway to take the 81 bus as a form of public transportation.

There is no light at Wootton Parkway and Wootton Oaks Court. Drivers turning left from Wootton Oaks Court onto Wootton Parkway must cross two lanes of on-coming traffic (see image 1 below). There is a significant amount of commuter traffic now in the morning and at night coming both ways on Wootton Parkway. This makes it very difficult to find an opening to turn left as many Wootton Oaks Court residents have to do every day (even with stop lights to our left at Edmonston and right at Preserve Parkway). The alternative is to turn right, drive down to Preserve Parkway, and pull a U turn. This is also difficult and unsafe with the amount of traffic coming down Wootton Parkway. And during non-rush hour cars are often exceeding the 40 miles per hour speed limit on Wootton Parkway causing further safety concerns. The traffic will only get worse if the density of the development is allowed to be constructed as proposed. We realized this was originally zoned for office space, but the proposed density and traffic impacts are still very high.

Recommendation: Require the density of the development to be lowered, or a traffic light installed at Wootton Oaks Court to reduce this risk of serious accident.

Image 1



2. We are very concerned about the impacts to Cabin John Creek.

Cabin John Creeks runs right though the Tower Oaks proposed development site. According to the Montgomery County Department of Environmental Protection (Cabin John Creek Watershed Implementation Plan, 2012), Cabin John Creek has already been significantly impacted by suburban development, in particular, due to stormwater runoff (suspended solids, nutrients, phosphorus, and bacteria). The stream conditions are considered to be of fair/poor quality. There is a TMDL for nitrogen, sediment, and bacteria for Cabin John Creek. We have conducted stream clean-ups and water quality monitoring sponsored by the City of Rockville along the creek adjacent to the proposed development, and have seen those conditions (e.g. trash, incised streambanks, lack of macrofauna). Views from Preserve Parkway (see images 2 – 6 below).

The development is going to negatively impact the stream through increased flow volume of stormwater runoff and pollutants, even with state of the art stormwater measures installed throughout the community. The City of Rockville should push for no increase in discharge and as close to pre-development hydrology in spite of ESD requirements (see separate attachment). This creek may be in better shape than others in the City or county, so let's make sure it doesn't get worse! Let's protect our streams before they are even further degraded.

Forty one forested acres will no longer filter the water going into the Cabin John creek adjacent to the proposal site once the development is constructed. So it could be very likely that the stream will be pushed to solely poor conditions post-construction. More impervious surfaces can increase the volume of runoff that further destabilizes the creek during rain events that exceed the capacity of proposed bmps.

The City of Rockville spends over a million dollars of dollars from property owners for each stream mile to restore incised creeks and streams. And in fact, it is clear by looking at the images below that the City has already installed bank stabilization and channel restoration techniques (and this is with the benefit of forty one acres of mature trees!). If density of this development or its stormwater impacts can be reduced upfront, less funding will be needed to restore the stream in the future (otherwise it's like paying twice!). The City can then spend the water quality protection charge to help address the effects of stormwater in other areas with much greater impervious surface.

Will the City expect the Tower Oaks HOA to be fiscally responsible and take on long-term management and maintenance of the stormwater bmps the developer will install on the site (e.g. bioswales, microretention areas)? Will the City require the developer or the HOA to develop a maintenance plan? Will the developer educate the HOA about ensuring their lawn care company correctly maintains these areas and the rights of way in future years? Unless there is a long-term commitment and understanding of the bmp maintenance needs, they will not be effective and can fail.

If not already mandatory thru City ordinance, the developer should at a minimum be required to provide the following to the HOA Board: 1) a copy of the site plan and drawings with locations and types of bmps, 2) a plan that explains the maintenance tasks/needs, along with necessary inspection information, 3) educational information for homeowners about the bmps on their property and their community, 4) how the lawn care company can alert the HOA to problems, and 5) long-term maintenance costs.

Recommendation: Require as much open space to be kept as possible and lower the density. Encourage the developer to use permeable pavement, disconnect downspouts and other stormwater practices (microretention) to result in a zero discharge increase in volume. Require that the developer make provisions for 2 inch storms which are now consider to be more protective.

Image 2

Images 3 - 6

