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December 13, 2024

Via E-Mail

James Wasilak, AICP
Chief of Zoning
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: 1251 West Montgomery Avenue
Minor Site Plan Amendment – Restaurant Use & Parking Waiver

Dear Jim:

On behalf of Rockville Motel Associates (the “Applicant”) we respectfully request (1) a Minor Site Plan Amendment for a change in use for the existing Accessory Restaurant within the Best Western hotel and (2) a Parking Waiver for a reduction of 44 spaces to accommodate the establishment of a Full-Service Restaurant on site. Accordingly, enclosed please find a completed Application for a Minor Site Plan Amendment and Parking Waiver Request.

I. Background

The existing Best Western hotel is located on ownership Lot 19C, comprised of 210,880 square feet of land area (the “Property”). The Property is zoned MXE. In 2017, the eastern portion of the land area originally associated with the Best Western was transferred to JSF West Montgomery, LLC and developed to accommodate a self-storage facility.¹

The Property is currently improved with a hotel containing 164 guestrooms and 4,500 square feet of assembly space, as well as a 4,900 square foot accessory restaurant. The hotel employs approximately 34 people. Pursuant to the Zoning Ordinance, and absent any reductions, the hotel use (without any accessory restaurant use) requires 193 parking spaces and the Property has 194 spaces on the Property.²

¹ The self-storage use requires 18 spaces, and 18 spaces are located on the self-storage ownership lot.

² Pursuant to Zoning Ordinance section 25.16.03, 1 space is required for each guestroom (164 spaces), 1 space for every 400 square feet of assembly space (12 spaces), and 1 space for every 2 employees (17 spaces).

In December 2019, the Planning Commission approved a Parking Waiver for 29 spaces to accommodate an accessory hotel restaurant use within the existing Best Western hotel.³ With the approved Parking Waiver, 193 parking spaces are required for the existing development on site – inclusive of the hotel, assembly space, and accessory restaurant – and 194 parking spaces are provided.

II. Minor Site Plan Amendment – Change in Use

Due to changing economic conditions in the hospitality industry, the Applicant is proposing minor modifications to the existing restaurant to convert the use into a full-service restaurant. This change in use will be facilitated through minor improvements to the existing accessory restaurant structure on-site. Namely, an existing door on the southwest façade that currently leads from the lobby to the outdoors will shift slightly to provide the restaurant with direct access to the outdoors and windows will be added or repositioned to accommodate fit out for a new restaurant tenant. The resulting restaurant will be approximately 5,500 square feet.⁴

Notably, the restaurant has effectively functioned as a full-service restaurant since opening in 1978. For more than 40 years, the on-site restaurant has served both hotel guests and patrons who are not staying on-site. To this end, the existing restaurant within the hotel is open to the public, has always been open to the public, and will continue to be open to the public with the proposed modifications. There is no functional change in the operation of the restaurant between the existing condition and the proposed condition.



Figure 1: Current direct-exterior access doorway at the southwest facing façade of the restaurant. The Applicant is proposing to slightly move this primary doorway entrance to the area of this façade that is currently improved with windows, to create a more central exterior access point directly to the restaurant.

³ See Exhibit A, “Parking Waiver WAV2020-00017.” The Planning Commission approved WAV2020-00017 in December 2019. The approved parking waiver was formally implemented through approval of Site Plan Amendment STP2020-00404, which reflected the amended parking calculation, in March 2020.

⁴ See Exhibit B, “Amended Floorplan of Proposed Full-Service Restaurant Area.” The approximate area of the proposed restaurant use is outlined in blue on the attached amended floorplan. Approximate locations of the existing exterior accessway and proposed new accessway are labeled accordingly.

A. Prior Site Plan Amendment

The Chief of Zoning approved Site Plan Amendment (STP2020-00404) for the Property in March 2020, as an amendment to application U-398-68.⁵ The previous Site Plan Amendment was approved for the redesign of the interior of the hotel to accommodate an accessory restaurant and to reflect an approved Parking Waiver (WAV2020-00017) for 29 surface parking spaces. The Applicant is proposing this Minor Site Plan Amendment as an amendment to the previously approved plan for the Property.

B. Required Site Plan Amendment Findings

The proposed change in use satisfies each of the required findings stipulated in Sec. 25.07.01.a.3(a) of the Zoning Ordinance for approval of a Minor Site Plan Amendment. Each required finding is addressed in turn below:

(a) A site plan application that does not impair a project plan or a special exception, may be approved only if the applicable Approving Authority finds that the application will not:

i. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;

The proposed Minor Site Plan Amendment will not adversely affect the health or safety of residents or employees in the surrounding neighborhood. The Applicant is proposing minor modifications to the existing restaurant building to accommodate a change in use from the existing accessory restaurant to a full-service restaurant. This change is limited to interior renovations and adjusting the location of an existing door to create a new “primary” door from the restaurant to the building’s exterior. These changes are minor in nature and will not create any adverse impact. Importantly, as demonstrated in Lenhart Traffic Consulting Inc.’s November 2024 Scoping Memorandum, the proposed Minor Site Plan Amendment and Parking Waiver will not adversely impact traffic or parking demand.⁶ The proposed Minor Site Plan Amendment will benefit the surrounding neighborhood by providing a new dining option in the area.

ii. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

The proposed Minor Site Plan Amendment will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The Applicant is proposing minor modifications to the existing restaurant space on-site to accommodate a new dining option for the neighborhood. As demonstrated by Lenhart Traffic Consulting Inc.’s November 2024 Scoping Memorandum submitted along with this application, the change in use and proposed parking waiver of 44 spaces will not impact the surrounding neighborhood. This application is proposing

⁵ See Exhibit C “STP2020-00404 Resolution of Approval.”

⁶ See Exhibit D “Lenhart November 2024 Scoping Memorandum.” Pursuant to the November 2024 Scoping Memorandum, the parking impacts and traffic generation associated with this Minor Site Plan Amendment are de minimis.

a new, quality dining option on-site to the benefit of nearby residents and employees working within the surrounding area. In sum, the full-service restaurant at this location represents more efficient land use in better utilizing this currently under utilized property.

iii. *Overburden existing and programmed public facilities as set forth in article 20 of this chapter and as provided in the adopted adequate public facilities standards;*

This application is minor in nature and will not overburden existing and programmed public facilities. The proposed changes are limited to interior renovations and implementation of a new “primary” entrance for the existing restaurant. These changes are minor and will not impact public facilities serving the Property.

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

The proposed interior renovations and minor changes to the exterior entrance will not impact the natural resources or environment of the City or surrounding areas. As detailed herein, this application proposes a minor redesign to accommodate a change in use from the current accessory hotel restaurant. No changes to the existing building’s footprint or exterior site area are proposed. As such, these changes are limited to the existing development on site and will not impact natural resources or the environment.

v. *Be in conflict with the Plan;*

This Amendment is limited to minor modifications to the existing restaurant space and implementation of the requested Parking Waiver. This application does not conflict with the Plan. Moreover, the proposed Minor Site Plan Amendment represents a minimal change to the prior Site Plan Amendment, which was approved by the Chief of Zoning in March 2020 to reflect an approved Parking Waiver (WAV2020-00017) for 29 surface parking spaces.

vi. *Constitute a violation of any provision of this chapter or other applicable law; or*

The proposed Minor Site Plan Amendment complies with the applicable zoning regulations and does not constitute a violation of the Zoning Ordinance or other applicable law.

vii. *Be incompatible with the surrounding uses or properties.*

The proposed restaurant use is compatible with the surrounding uses and properties. As noted, up until recently, the existing restaurant on-site functioned as a full-service restaurant and included a door directly to the exterior of the building. This change in use is consistent with the existing development, which the Chief of Zoning found to be compatible with the surrounding uses and properties in the March 2020 approval of STP2020-00404.

III. Requested Parking Waiver

The Property is currently improved with 194 parking spaces. Pursuant to Sec. 15.16.03.h.1 of the Zoning Ordinance, the Applicant is requesting a parking waiver of 44 spaces to accommodate conversion of the existing restaurant on-site into a full-service restaurant.

A. Applicable Parking Requirements

Below is a summary of the applicable minimum parking requirements for the existing hotel use, accessory restaurant, and proposed full-service restaurant.

1. Hotel

The existing hotel includes 164 guest rooms, 4,500 square feet of banquet or assembly space, and has 34 employees. Pursuant to Sec. 25.16.03 of the Zoning Ordinance, the hotel requires 1 space for each guest room (164 spaces), 1 space for every 400 SF of assembly space (12 spaces), and 1 space for every 2 employees (17). As such, the hotel use (without any restaurant) requires a minimum of 193 parking spaces.

2. Accessory Restaurant

The Property is currently improved with a 4,900 SF accessory restaurant use. Pursuant to Sec. 25.16.03, the accessory restaurant (within a hotel), requires 1 space for every 200 square feet of gross floor area, and 1 space for every 2 employees. This accessory use requires a minimum of 29 parking spaces. The Applicant requested a parking reduction of 29 spaces and the City approved a Parking Waiver of 29 spaces in spring 2020.

3. Proposed Full-Service Restaurant

Pursuant to Sec. 25.16.03 of the Zoning Ordinance, a full-service restaurant requires 1 space for every 50 SF of patron area (excluding restrooms), 1 space for every 80 SF of outdoor patron use area, 1 space for every 2 employees, and 1 space for every 15 SF of bar patron area where the bar patron area exceeds 10% of the total patron use area. The proposed restaurant use will not include outdoor patron area or a bar with patron area that requires parking. The proposed $\pm 5,500$ SF full-service restaurant will include approximately 3,300 SF of patron use area (60% of total GFA) and is anticipated to employ 14 employees. Accordingly, the full-service restaurant will require 73 parking spaces. Factoring in the previous 2020 Parking Waiver of 29 spaces for the Property, a reduction of 44 spaces is required to accommodate the proposed full-service restaurant on site.

B. Parking Waiver Justification

Section 25.16.h of the Zoning Ordinance provides that the Planning Commission has the authority to reduce the required number of parking spaces for uses in the buildings that meet a number of criteria, including (b) there are three or more bus routes in the immediate vicinity of the building; or (f) for any other good cause shown.

The Property is served by three bus routes immediately adjacent to the Property. Moreover, for the reasons set forth below, there is good cause for the Planning Commission to grant the parking reduction.

1. The Property has an Abundance of Vacant Parking Spaces

The Applicant has experienced low parking utilization since the COVID-19 Pandemic. Even before the Pandemic, the existing hotel experienced decreasing occupancy. The onset of the Pandemic exacerbated this trend, resulting in lower utilization. Due to current conditions in the Rockville subregion hospitality industry, the Applicant does not anticipate that hotel occupancy will ever return to pre-Pandemic levels. Today, the site is consistently over parked, as the existing 194 spaces are more than adequate to accommodate current demand and there are always a significant number of vacant parking spaces available.

The Applicant observed on-site parking demands at three different times of day throughout the month of August 2024.⁷ With observation at peak hours (7 AM & 7 PM) and mid-day (12 PM), there was not one instance in which 90 or more spaces were occupied at any one time. At any given time, more than 64% of the parking spaces on site are empty.

With an average occupancy of 84 rooms (51%), an average of 70 spaces were utilized at 7 AM, 32 spaces at 12 PM, and 71 spaces at 7 PM. On average, more than 120 parking spaces were available during peak hours of demand. The highest parking utilization (89 spaces and 1 bus) coincided with the highest hotel occupancy during the month (120 occupied of 164 total rooms (73%)). Thus, even at relatively significant occupancy (nearly 20% more than average), over 100 parking spaces remained empty and available on-site.

Best Western Premier Rockville MD								
		Occupied Rooms	7AM Vehicles	Bus	12 Noon Vehicle	Bus	7:00 PM Vehicle	Bus
	8/6/24	103						
Wed	8/7/24	74	81		30		49 4 trucks	
Thur	8/8/24	69	53 4 trucks		25		60 4 trucks	
Fri	8/9/24	84	70 4 trucks		34		68 3 trucks	
Sat	8/10/24	113	50		39		79	1
Sun	8/11/24	92	80	1	35		81 2 trucks	1
Mon	8/12/24	78	63 2 trucks	1	30		51 1 trucks	1
Tue	8/13/24	97	66 2 trucks	1	28		64 2 trucks	1
Wed	8/14/24	81	69	1	37		70	
Thur	8/15/24	69	68		24		57 4 trucks	
Fri	8/16/24	59	47 4 trucks		23		56 5 trucks	
Sat	8/17/24	62	38 4 trucks		18		49 4 trucks	
Sun	8/18/24	75	45 2 trucks		24		66	
Mon	8/19/24	94	60		34		67	4
Tue	8/20/24	91	78	4	67		78 2 trucks	
Wed	8/21/24	120	66 3 trucks		36		89 2 trucks	1
Thur	8/22/24	76	81 1 truck	1	32		74	

Note: Panel vans and pick ups are counted as vehicles. Trucks are cargo, delivery and tractor trailer trucks.

Figure 2: Applicant's Observed Parking Utilization Data for the Month of August 2024

⁷ See Exhibit E, "August 2024 Parking Utilization." The month of August consistently represents the highest parking lot utilization due to hotel guests using more individual vehicles for hotel parking. Although the hotel occupancy is highest during the Spring, parking lot utilization is typically lower during these months than in August due to a relatively high number of hotel guests travelling to and from the hotel using tour bus services.

Additionally, the existing assembly space (i.e., hotel banquet rooms) generate negligible parking demand on-site. Unlike most hotel banquet spaces, these facilities are typically not utilized by groups or individuals who are not staying at the hotel. As such, any practical parking demand generated by this assembly space usually overlaps with parking generation of the hotel use. This overlap also contributes to the abundance of vacant surface parking spaces on site.

2. The Northern Parking Lot Area is Under Utilized

There is sufficient surface parking adjacent to the existing accessory restaurant to accommodate the proposed full-service restaurant. Demand for on-site parking has consistently been concentrated around the hotel use – opposite from the location of the proposed restaurant on-site. As shown outlined in teal in Figure 3 below, parking for the hotel use largely occupies the southern side of the existing surface lot. This area of the parking lot is closer to the hotel use and provides quicker access to guest rooms. Conversely, the area of the parking lot closest to the restaurant use (shown outlined in green) is the most underutilized portion of the lot. As such, a substantial number of parking spaces proximate to the restaurant are always available.



Figure 3: Aerial Imagery of On-Site Parking Utilization Areas

3. No Surrounding Residential Areas will be Adversely Impacted by Parking Reduction

No residential uses will be impacted by future parking demands from the proposed full-service restaurant use. The closest residential street is more than 800 feet from the proposed restaurant, down a steep hill and across six lanes of traffic on West Montgomery Avenue. It would be difficult to imagine any instance where a restaurant or hotel patron would park on any residential street or surface lot due to (1) the abundance of available on-site parking and (2) the functional distance of residential areas from the hotel and restaurant.

4. The Existing Hotel Use will have Sufficient Parking

Due to a significant amount of motor coach business and ride-share app utilization by hotel guests, parking space availability is not an issue for the hotel use. Regardless of the time of year or day, the existing hotel use is over parked to the extent that parking on-site is never fully occupied. To this end, the Applicant would not jeopardize the viability of the hotel and request a waiver of an additional 44 parking spaces (for a total of 73 spaces in combination with WAV2020-00017) if doing so would create a shortage of parking for guests of the hotel. However, there is so much available parking that a total reduction of 44 spaces does not remotely infringe upon available parking for hotel guests. Accordingly, even with the requested waiver, on-site parking is more than sufficient to market and adequately serve guests and future restaurant patrons in practice.

5. The Requested Waiver is Appropriate Under the Montgomery County Zoning Ordinance & the City's Anticipated Zoning Ordinance Update

The requested Waiver for 44 spaces is consistent with the parking requirements for a restaurant use in a similarly zoned property in Montgomery County. In addition, it is anticipated that the forthcoming Rockville Zoning Ordinance update will lower the minimum parking requirements to bring them more in line with the surrounding jurisdictions.

The City's minimum parking requirements for full-service restaurants is outsized compared to Montgomery County's current parking requirements. In the City of Rockville, a full-service restaurant requires 1 space for every 50 SF of patron area (excluding restrooms), 1 space for every 80 SF of outdoor patron use area, 1 space for every 2 employees, and 1 space for every 15 SF of bar patron area where the bar patron area exceeds 10% of the total patron use area. When applied to the proposed restaurant on-site, the Rockville Zoning Ordinance requires a minimum of 73 parking spaces for this use.

In Montgomery County's Commercial / Residential and Employment Zones (which are comparable to the subject property's MXE Zone) a minimum of 4 parking spaces are required for every 1,000 square feet of patron use area in a restaurant. Montgomery County also institutes a maximum of 12 parking spaces for every 1,000 square feet of patron use area in Commercial / Residential and Employment Zones that are also located within a designated (1) Parking Lot District or (2) Reduced Parking Area. Under these Montgomery County parking standards, the proposed full-service restaurant would require a minimum of 13 parking spaces – which is 60 spaces less than that required by the Rockville Zoning Ordinance. Rockville's minimum of 73 parking spaces for this use are even more than the maximum allowed by Montgomery County in peer zones, as the County Ordinance would limit parking for the proposed restaurant to 40 parking spaces.

Additionally, it is anticipated that the City will reduce its minimum parking requirements with its forthcoming Zoning Ordinance update. It is anticipated that parking minimums will be lowered to align with overarching planning goals to reduce car dependency, lower housing costs, improve walkability, and promote sustainable development. This Parking Waiver request for a reduction in 44 surface parking spaces aligns with the City's goals for parking reform as part of the upcoming Zoning Ordinance update.

IV. Conclusion

For the reasons set forth, we respectfully request that the Planning Commission support the requested Minor Site Plan Amendment and Parking Waiver. We greatly appreciate your attention to this request.

Very truly yours,



Patricia A. Harris



Vincent G. Biase

Enclosures

EXHIBIT A



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

March 5, 2020

Mr. Jeff Wilder
Rockville Motel Associates
200 Old Palisades Road, Apt. 29GH
Fort Lee, NJ 07024

Ms. Patricia A. Harris
Lerch, Early and Brewer
7600 Wisconsin Avenue, Suite 700
Bethesda, Maryland 20814

Re: Parking Waiver WAV2020-00017 – 1251 West Montgomery Avenue

Dear Mr. Wilder and Ms. Harris,

At its December 11, 2019 meeting, the City of Rockville Planning Commission considered and voted to approve a 29 space parking waiver for the above-referenced application. The proposal was submitted and processed in accordance with the applicable laws and procedures outlined in the City's Zoning Ordinance. The approved parking waiver is contingent on the submission of an amended site plan reflecting the new parking calculation.

Findings

As stated, Section 25.16.03.h.1 of the Zoning Ordinance gives the Planning Commission the authority to reduce the required number of parking spaces provided that a site meets one of the criteria identified. The Planning Commission made the following findings:

- (a) *A major point of pedestrian access to such building or buildings is within seven-tenths of a mile (3,696 feet) walking distance of a transit station entrance shown on the Washington Metropolitan Area Transit Authority Adopted Regional Rail Transit System; or*

Finding: The site does not meet this criterion, as the site is located well beyond this walking distance from a Metro station.

- (b) There are three (3) or more bus routes in the immediate vicinity of the building or buildings; or*

Finding: This criterion is met. There are approximately five (5) Ride-On bus routes with multiple stops within approximately $\frac{3}{4}$ of a mile or less from the subject site, with the closest being approximately 0.6 miles. Each of these bus routes provides service to either the Shady Grove, Rockville or Twinbrook Metro stations.

- (c) There is a major public parking facility available to the public within 1,000 feet of a building entrance; or*

Finding: The site does not meet this criterion, as there is no public parking facility nearby.

- (d) Where the size of the lot is so small that meeting the parking requirement would prevent redevelopment; or*

Finding: The site does not meet this criterion. Provision (d) above provides for waiver consideration when the lot is so small that compliance with parking requirements would prevent the redevelopment of the site. The size of the subject lot is 3.9 acres, so it is not restricted by its size.

- (e) Where there is a bikeway in close proximity to the site and the applicant demonstrates that the uses in the proposed development are conducive to bicycle use; or*

Finding: This criterion has been met. Existing bicycle facilities in the area of the site include the shared use path along the southwest side of West Montgomery Avenue providing access to the Falls Grove to Rock Creek crosstown bicycle route. This path connects to the Friendship Bridge for pedestrians and bicyclists over I-270, and to Woottons Mill Park via a bike lane along Watts Branch Parkway. Staff notes that the use of bicycles to access the site may be limited to employees.

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STP2020-00404 and WAV2020-00017 Approval Letter
March 5, 2020
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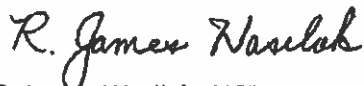
(f) For any other good cause shown.

Finding: The applicant has provided a justification in their submittal to support the request based on "other good cause shown". Although the site is located well over a mile from the nearest Metro Station, the applicant has a demonstrated history of operating a shuttle that goes between the hotel site and the Metro Station. The hotel's data indicates that approximately 20% of all hotel guests do not drive to the site, but instead use the hotel shuttle.

In addition, the numbers provided by the applicant for the week-long parking use study indicate that a substantial number of spaces are available at any given time. This, in combination with the hotel operator's desire to primarily serve existing hotel customers, leads staff to accept the applicant's argument that there will be a minimal increase in parking demand on the site as a result of the proposed accessory restaurant.

Per. Sec. 25.04.02.f of the Zoning Ordinance, any person aggrieved by a final decision of the Planning Commission may appeal same to the Circuit Court of Montgomery County, taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

Sincerely,



R. James Wasilak, AICP
Chief of Zoning

Best Western Hotel
WAV2020-00017 Approval Letter
March 5, 2020
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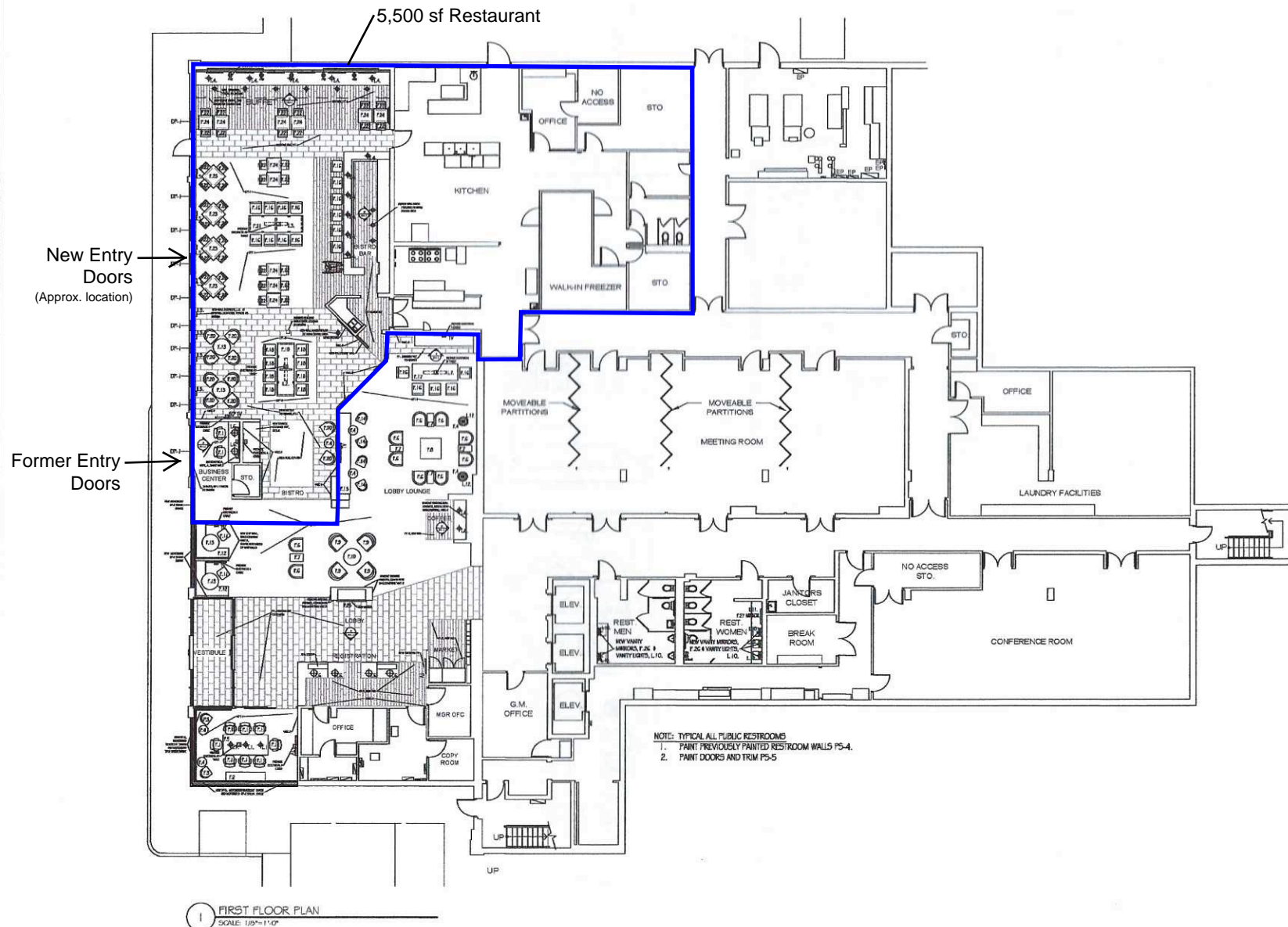
Note: A building permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgement, signed and executed by the applicant, has been returned to the Planning Division office. Be advised that Commission approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF THIS LETTER REGARDING PARKING SPACE APPLICATION WAIVER WAV2020-00017 AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.


(Applicant's Signature)


(Applicant's Printed Name)

EXHIBIT B



Spaces
DESIGN GROUP, INC.

2711 Wehala Drive 804276-0943
Richmond, VA 23220-4600
E: info@spacesdesign.com

DRAWN BY: TWP
DATE: 12/01/2021
REV1: 12/16/2021
REV2: 02/11/2022
REV3: 03/12/2022

FILE:
SDG-BW-RMD-2021

FIRST FLOOR PLAN

BW | Best Western.
Hotels & Resorts

1251 WEST MONTGOMERY AVENUE
ROCKVILLE, MARYLAND 20850-3133

SHEET
ID1.0
OF —

EXHIBIT C



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

March 5, 2020

Mr. Jeff Wilder
Rockville Motel Associates
200 Old Palisades Road, Apt. 29GH
Fort Lee, NJ 07024

Ms. Patricia A. Harris
Lerch, Early and Brewer
7600 Wisconsin Avenue, Suite 700
Bethesda, Maryland 20814

Re: Site Plan Amendment Application STP2020-00404 – 1251 West Montgomery Avenue

Dear Mr. Wilder and Ms. Harris,

In accordance with Section 25.07.01 of the City of Rockville Zoning Ordinance, the Chief of Zoning has determined that the minor site plan amendment (STP2020-00404) reflecting the approved parking waiver is consistent with the Zoning Ordinance and has been approved as an amendment to application U-398-68, as amended. This constitutes approval for the following site improvements:

- The redesign of the interior of the existing hotel to accommodate a 4,779 square foot ancillary restaurant.

Section 25.07.06 of the Zoning Ordinance requires that construction or operation must commence within two (2) years of the effective date of the Chief of Zoning approval letter or the application approval shall expire. If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Chief of Zoning, one (1) year for the first extension and six (6) months for the second extension. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Chief of Zoning to consider granting an extension.

Mayor Bridget Donnell Newton | Councilmembers Monique Ashton, Beryl L. Feinberg, David Myles, Mark Pierzchala
City Manager Robert DiSpirito | City Clerk/Director of Council Operations Sara Taylor-Ferrell | City Attorney Debra Yerg Daniel

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Sincerely,

R. James Wasilak

R. James Wasilak, AICP
Chief of Zoning

I ACKNOWLEDGE RECEIPT OF THIS LETTER REGARDING SITE PLAN AMENDMENT APPLICATION STP2020-00404 AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE CITY OF ROCKVILLE.

Jeffrey S Wilder

(Applicant's Signature)

Jeffrey S Wilder

(Applicant's Printed Name)

EXHIBIT D

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Memorandum:

Date:

November 12, 2024

TO: Faramarz Mokhtari

FROM: Nick Driban

RE: 1251 West Montgomery Avenue – Scoping Memorandum/Comment Response

The purpose of this memorandum is to provide a comment-response relating to the scoping comment received for the site located at 1251 W. Montgomery Avenue in Rockville. **Exhibit 1** provides a map showing the site's location.

The originally-submitted scoping package included information from the ITE Trip Generation Manual's definition for the Hotel land use (ITE-310) documenting that hotel trip generation rates are inclusive of trips generated by "the sleeping accommodations" themselves, as well as "supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet room, and convention facilities." Therefore, since the number of rooms within the hotel is not proposed to change, there is no net change in trips associated with the proposed modifications to the restaurant. We still believe this information to be the correct interpretation of the relevant technical documents (ITE Trip Generation Manual), i.e. that the proposed restaurant modifications will not generate any additional trips to/from the site.

However, in response to the originally-submitted Scoping Intake Form, we received the following comment:

The proposed change is to separate the existing hotel-related dining and breakfast area and replace it with a full-service restaurant that will be operated by a different operator and functions as a standalone restaurant. Since this is no longer an ancillary use to the existing hotel, please make the needed changes to scoping intake or provide additional support to justify it as hotel ancillary use.

In essence, the City's comment is based on the contention that the existing restaurant is only serving 'hotel-related dining' so it is therefore ancillary to the hotel, whereas the proposed restaurant will function as a standalone restaurant, thereby making it no longer ancillary to the hotel. Not only is this contention not supported by the ITE Trip Generation Manual's Hotel land use definition, as quoted above, but the facts of this case also do not support this assertion for the following reasons:

- The existing restaurant within the hotel is open to the public, has always been open to the public, and will continue to be open to the public with the proposed modifications. There is no functional change in the operation of the restaurant between the existing condition and the proposed condition. Therefore, the comment's contention that the use of the

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restaurant is somehow being modified is factually not supported. As shown on **Exhibit 2**, the proposed restaurant represents a decrease in square footage compared to the previously-existing restaurant and, therefore, will result in a net decrease in trips.

- As further evidence that the contention that the existing restaurant is only ‘hotel-related’ is incorrect, a timeline of the restaurant’s use follows:
 - For more than 40 years, from 1978 to 2021, the site operated as a 7,000 square foot restaurant, known as Callaway’s, which was open to the public and had direct-exterior access from the restaurant to the outside. The photo below shows the exterior access from Callaway’s, as well as the Callaway’s logo emblazoned on the exterior facing windows. Page 8 includes additional information and photos of Callaway’s. As shown, the site was advertised on Yelp and was open to the general public.



Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

- Subsequent to Callaway's closing, the site was converted to Bogart's. Pages 9 & 10 include information demonstrating that Bogart's has been advertised to the general public by both the Maryland Office of Tourism as well as the Explore Rockville promotion website. Additionally, Bogart's was previously included on the Toast website, with options for food pickup by the public. This indicates that the existing restaurant is not only open to the public, but is actively being advertised to a market extending well beyond the hotel.

It is important to emphasize that trip generation rates are determined by the ITE Trip Generation Manual and this manual specifically includes a full-service restaurant as part of the hotel trip generation rates. The fact that the City's Zoning Ordinance distinguishes between a hotel restaurant and a standard restaurant for purposes of parking calculations, has no bearing on the ITE trip generation rates or actual traffic coming to/from this site; the number of parking spaces is entirely separate from the trip generation and is an irrelevant factor.

In Conclusion:

- As demonstrated, the site has always operated as a full-service restaurant, open to the public, and advertised to a wide-audience extending well beyond just hotel guests. Trips associated with this use must be considered existing trips for the site. As shown on Exhibit 2, the proposed restaurant represents a decrease in square footage compared to the previously-existing restaurant and, therefore, will result in a net decrease in trips.
- As an alternative to the bullet, above, the scoping package initially submitted included information from the ITE Trip Generation Manual's definition for the Hotel land use documenting that Hotel trip generation rates are inclusive of trips generated by "the sleeping accommodations" themselves, as well as "supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet room, and convention facilities." Therefore, since the number of rooms within the hotel is not proposed to change, there is no net change in trips associated with the proposed modifications to the restaurant.
- Based on the above, one of the following two things must be true. Either:
 - A) The restaurant always has been and will continue to be entirely ancillary to the hotel use, as specifically stated by the ITE Trip Generation Manual's Hotel land use definition; or
 - B) The restaurant has never been and will never be ancillary to the hotel use and must be analyzed as a stand-alone land use, in which case the decrease in proposed square footage relative to the full-service, public-facing restaurant that has operated on-site for more than 40 years demonstrates a decrease in the number of trips to/from the site associated with the proposed modification.

Based on the summation of the information presented above, the net change in trips associated with the currently-proposed modification to the site is either 0 net-new trips, assuming the use is ancillary to the hotel (Case A), or less-than-zero, based on the decrease in square footage of the restaurant (Case B). As such, no further transportation information should be required for the modifications currently being proposed to the restaurant.

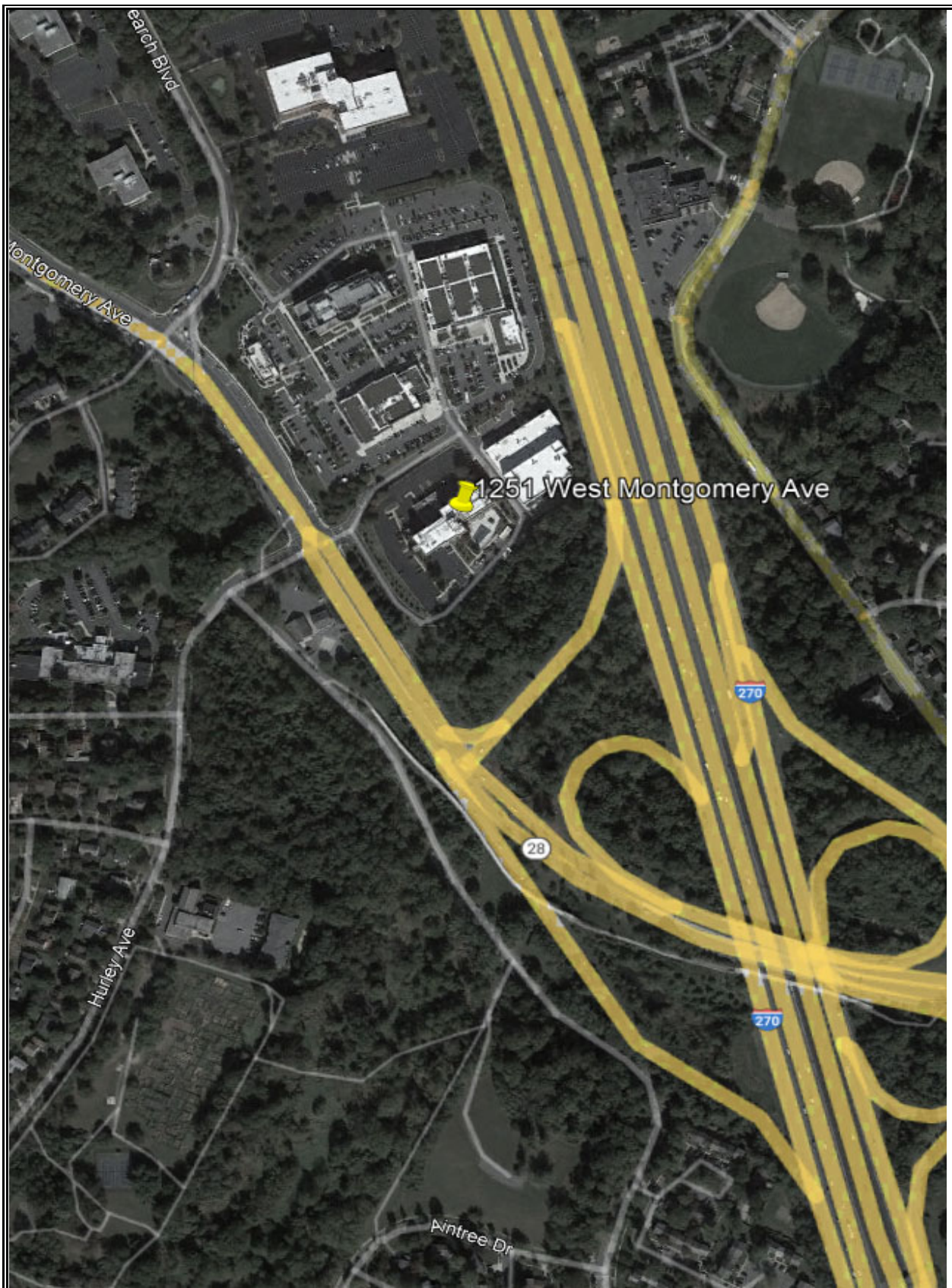
Appendix B: Scoping Intake Form



City of Rockville

Comprehensive Transportation Review Scoping Intake Form

Project name:	Best Western Premier Rockville - Restaurant Modification						
Permit number, if available:							
Property address:	1251 W. Montgomery Avenue, Rockville, MD 20850						
Contact person:	Nick Driban						
Contact phone number:	410-294-7195						
Contact e-mail address:	ndriban@lenharttraffic.com						
Existing and proposed land use density:	Use			Square Footage / Dwelling Units			
	Existing: High-Turnover (Sit-Down) Restaurant (ITE-932)			7,000 square feet			
	Proposed: High-Turnover (Sit-Down) Restaurant (ITE-932)			5,500 square feet			
Trip generation:	Peak Hour Site Trips						
Land use code:	Peak Period	In Prop	(Ex)	Out Prop	(Ex)	Total Prop (Ex)	=> Net
ITE-932	AM	29	(37)	24	(30)	53 (67)	-14
ITE or LATR:	PM	30	(38)	20	(25)	50 (63)	-13
	SAT	32	(40)	30	(38)	62 (78)	-16
Proposed study area, including boundaries and intersections:	N/A						
Proposed access points:	No changes proposed to existing access points along Hurley Avenue						
Projected build out date:	ASAP - Early 2025						
Statement of operations:	Please see preceding memo						



Traffic Impact Analysis



LENHART TRAFFIC CONSULTING, INC.
645 BALTIMORE ANNAPOLIS BLVD, SUITE 214
SEVERNA PARK, MD 21146
www.lenharttraffic.com

Site Location Map

- Site Location

**Exhibit
1**

Trip Generation Rates

High Turnover (Sit-Down) Rest. (ksf, ITE-932)

Morning Trips = 9.57 x ksf
 Evening Trips = 9.05 x ksf
 Midday Sat. Trips = 11.19 x ksf

Trip Distribution (In/Out)

55/45
 61/39
 51/49

Trip Generation Totals

			AM Peak			PM Peak			Saturday Peak		
			In	Out	Total	In	Out	Total	In	Out	Total
Existing	High Turnover (Sit-Down) Rest. (ksf, ITE-932)	7,000 sq.ft.	37	30	67	38	25	63	40	38	78
Proposed	High Turnover (Sit-Down) Rest. (ksf, ITE-932)	5,500 sq.ft.	29	24	53	30	20	50	32	30	62
Net Trip Generation Totals:			-8	-6	-14	-8	-5	-13	-8	-8	-16

NOTE: Trip Generation Rates obtained from the ITE Trip Generation Manual, 11th Edition.

Traffic Impact Analysis

Trip Generation
for Site

Exhibit
2



LENHART TRAFFIC CONSULTING, INC.
 645 BALTIMORE ANNAPOLIS BLVD, SUITE 214
 SEVERNA PARK, MD 21146
 www.lenharttraffic.com

Land Use: 310

Hotel

Description

A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet room, and convention facilities. A hotel typically provides a swimming pool or another recreational facility such as a fitness room. All suites hotel (Land Use 311), business hotel (Land Use 312), motel (Land Use 320), and resort hotel (Land Use 330) are related uses.

Additional Data

Twenty-five studies provided information on occupancy rates at the time the studies were conducted. The average occupancy rate for these studies was approximately 82 percent.

Some properties in this land use provide guest transportation services (e.g., airport shuttle, limousine service, golf course shuttle service) which may have an impact on the overall trip generation rates.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, District of Columbia, Florida, Georgia, Indiana, Minnesota, New York, Ontario (CAN), Pennsylvania, South Dakota, Texas, Vermont, Virginia, and Washington.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately predict trip generation characteristics for the site.

Trip generation at a hotel may be related to the presence of supporting facilities such as convention facilities, restaurants, meeting/banquet space, and retail facilities. Future data submissions should specify the presence of these amenities. Reporting the level of activity at the supporting facilities such as full, empty, partially active, number of people attending a meeting/banquet during observation may also be useful in further analysis of this land use.

Source Numbers

170, 260, 262, 277, 280, 301, 306, 357, 422, 507, 577, 728, 867, 872, 925, 951, 1009, 1021, 1026, 1046



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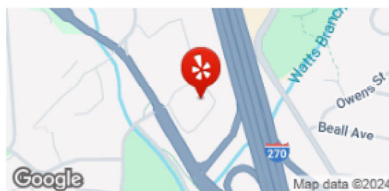
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🔖 Save

Location & Hours

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1251 W Montgomery Ave
Best Western Plus Rockville Hotel & Suites
Rockville, MD 20850

[Get directions](#)

(301) 424-4940



[Get Directions](#)

1251 W Montgomery Ave Best Western Plus Rockville Hotel & Suites
Rockville, MD 20850



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2.3 miles

"This was my first time at this location and my husband and I



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DETAILS

Located on the lobby level of the Best Western Premier Rockville, Bogart's offers breakfast and dinner service at value-oriented pricing. Great for private luncheons and happy hours.

HOURS

See website for hours.

LOCATION

1251 W Montgomery Ave.
Rockville, MD
20850

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CONTACT

MAP

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Bogart's

Place Categories: [Eat & Drink](#) [Global Bites Dining Days](#) [Global Bites](#)

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Offering fine spirits and food in the Rockville Best Western Premier Rockville Hotel & Suites.

[Website](#)
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[Next](#)

Rockville, MD United States	Mon Oct 14 2024	1 NIGHT	Tue Oct 15 2024	Best Rate	1 Adult 0 Children
LOCATION	CHECK-IN		CHECK-OUT	RATES	ROOM 1



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11 of 12

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

JUNE 23, 1995

SUBJECT:

Special Exceptions SPX95-0227 & SPX95-0228

Applicant: West Montgomery Hotel Holdings, Inc.
Manor Care, Inc.
10750 Columbia Pike
Silver Spring, Maryland 20901

Counsel: Howard J. Thomas, Esquire
Bradshaw, Thomas & Yeatman
8720 Georgia Avenue, Suite 706
Silver Spring, Maryland 20910

Property Location: 3 Research Court
Rockville, Maryland 20850

Planning Commission Review Date: June 28, 1995
Board of Appeals-Public Hearing Date: July 15, 1995

PERVIOUS RELATED ACTION:

- Special Exception S-15-76, request to construct a 173 unit motel/hotel with restaurant and banquet facilities on the subject property, approved by the Board of Appeals on April 3, 1976.
- Use Permit U-36-76, development proposal for a 176 unit motel with restaurant and banquet facilities on the subject property, approved by the Planning Commission on May 28, 1976.
- Appeals Application A-55-77, request for a height variance to construct a 20 foot tall pylon sign, dismissed by the Board of Appeals on February 4, 1978.
- Special Exception S-175-90, request to redevelop site and construct new 128 unit all suites hotel on the subject property, approved by the Board of Appeals on July 7, 1990. **(EXPIRED DUE TO NON-IMPLEMENTATION)**
- Annexation Petition X-106-89, request to annex 27,137 square feet of land located at the southeast quadrant of the Shady Grove Road and I-270 Interchange, approved by the Mayor and Council on July 14, 1986.

EXHIBIT E

BEST WESTERN PREMIER - ROCKVILLE, MD

		Occupied Rooms	7AM Vehicles	Bus	12 Noon Vehicle	Bus	7:00 PM Vehicle	Bus
	8/6/2024	103						
Wed	8/7/2024	74	81		30		49 4 trucks	
Thur	8/8/2024	69	53 4 trucks		25		60 4 trucks	
Fri	8/9/2024	84	70 4 trucks		34		68 3 trucks	
Sat	8/10/2024	113	50		39		79	1
Sun	8/11/2024	92	80	1	35		81 2 trucks	1
Mon	8/12/2024	78	63 2 trucks	1	30		51 1 trucks	1
Tue	8/13/2024	97	66 2 trucks	1	28		64 2 trucks	1
Wed	8/14/2024	81	69	1	37		70	
Thur	8/15/2024	69	68		24		57 4 trucks	
Fri	8/16/2024	59	47 4 trucks		23		56 5 trucks	
Sat	8/17/2024	62	38 4 trucks		18		49 4 trucks	
Sun	8/18/2024	75	45 2 trucks		24		66	
Mon	8/19/2024	94	60		34		67	4
Tue	8/20/2024	91	78	4	67		78 2 trucks	
Wed	8/21/2024	120	66 3 trucks		36		89 2 trucks	1
Thur	8/22/2024	76	81 1 truck	1	32		74	

Note: Panel vans and pick ups are counted as vehicles. Trucks are cargo,delivery and tractor trailer trucks.