

UPDATED
STATEMENT OF JUSTIFICATION
Combined Project Plan Amendment PJT2025-00020/ Site Plan STP2025-00503
BLVD Lofts - Retail Conversion to Residential
Updated June 2025

I. INTRODUCTION

Comstock 33 Monroe, LC (“**Applicant**”), owner of the first floor commercial condominium unit fronting on Monroe Street, East Middle Lane, and Helen Heneghan Way, located within the building that also includes the BLVD Ansel apartments and the HOC senior affordable units known as the Residences on the Lane, submits these Project Plan Amendment and Site Plan Applications with a request to be reviewed concurrently pursuant to Section 25.07.07.22 and 25.07.01, 25.07.07, 25.07.05 of the Rockville Zoning Ordinance for its proposed “**BLVD Lofts**” residential project converting approximately 13,011 square feet of vacant street level commercial space to thirteen (13) dwelling units.

II. PROPERTY

- A. **Property Identification.** The subject property is part of a commercial condominium unit known as the Commercial Unit, Rockville Town Center Phase II Master Condominium per Declaration recorded in Book 57231 at page 421 (“**Property**”), established on Parcel 2-L, Rockville Town Center subdivision per Plat 24566 (“**Land**” or “**Parcel 2-L**”), along with two multi-family condominium units and a parking unit (collectively, the “**Building**”). The Commercial Unit contains approximately 19,600 square feet of space with address of 198 East Montgomery Avenue. The Property that is the subject of this application is only the commercial spaces that front on Monroe Street, East Middle Lane, and Helen Heneghan Way totaling approximately 13,011 square feet. The portion of the Commercial Unit that fronts on East Montgomery Avenue containing approximately 6,500 square feet is not included in this application and will remain as currently approved for commercial uses.

The Property is zoned PD-RCI and lies within the Town Center Planning Area, specifically the Central Town Center and Core Character areas, and the Town Center Performance District overlay zone (existing until adoption of the 2025 Town Center Master Plan).

- B. **Property Location and Characteristics.** The Property is located in Rockville Town Center approximately 270 feet west of Maryland Route 355-Hungerford Drive and bounded by East Middle Lane, Monroe Street and Helen Heneghan. On the Land in the Building with the Property is the BLVD Ansel apartments and HOC’s affordable senior Residences on the Lane community, as well as structured parking. The Land is part of a five block planned development that includes 255 Rockville Pike on Parcel 2-F, Regal

Row on Parcel 2-G, BLVD 44 and the Cambria Suites Hotel on Parcel 2-M, and a surface parking lot at 41 Maryland Avenue on Parcel 2-H.

To the east across Monroe Street, the Property confronts the 255 Rockville Pike office building, mostly vacant, subject to pending Project Plan Amendment for redevelopment as residential in lieu of office. To the south across East Montgomery Avenue, the Property confronts the two-story Regal Row retail/office center and movie theater. To the southeast across the East Montgomery/Monroe Street intersection is the entrance to the pedestrian steps, elevator, and Promenade Park plaza connection to the elevated pedestrian bridge over Rockville Pike to the Rockville Redline Metro Station. To the west across Helen Heneghan Way, the Property confronts the Cambria Suites Hotel entrance and the BLVD Forty-four apartment building with street level retail and restaurants. All of the foregoing confronting properties are zoned PD-RCI and are part of the same comprehensive planned development PDP1994-001 originally approved in 1994.

To the north across East Middle Lane, the Property confronts the office building at 121 Rockville Pike and its adjoining surface parking lot zoned PD-MS. Further to the northwest across Middle Lane is the mixed-use development of Rockville Town Square zoned PD-TS.

The Property is within walking distance of transit along existing sidewalks approximately 820 feet across Rockville Pike to the station entrance of the Rockville Metro Station on the WMATA Redline, and approximately 825 feet across the elevated pedestrian bridge to the station entrance. Bike lanes exist on the south side of East Middle Lane adjacent to the Property through to North Washington Street. A bike lane adjacent to the Property is under City consideration for Monroe Street.

The Building is surrounded by sidewalks, street trees and street lights connected to the established grid of sidewalks and streets throughout Town Center via pedestrian crosswalks at each corner of the Land.

Access to the internal structured parking garage is from both Monroe Street and Helen Heneghan Way for both vehicles and pedestrians. The Building loading dock is headin-headout from Helen Heneghan Way onto Monroe Street.

Per the updated NRIFSD, the Property is within the Rock Creek watershed and drains to the Croydon Park Tributary. The site is not associated with any areas of forest, wetlands, 100-year flood plain, streams, stream buffer, or steep slopes. No rare, threatened, or endangered species were observed on the site. There are no known or recommended historic properties on or adjacent to the site per the Rockville Historic master plan or the Maryland Inventory of Historic Properties. The closest historic assets

to the west and south are the West Montgomery Avenue and Courthouse Square Historic Districts.

- C. **Neighborhood.** The Property lies within Rockville Town Center. It is in the block south of the Rockville Town Square mixed-use residential, retail and institutional/cultural development in the heart of Town Center. Within Rockville Town Square is Rockville Town Center Park with the Music Pavilion, Ice Skating Rink, Public Library as well as the VisArts Gallery, Buchanan Room and Rooftop entertainment venues. A block west of the Property is Courthouse Square Park at the Red Brick Historic Courthouse. The Property is within walking distance of the historic West End residential district to the west of North Washington Street known as the West Montgomery Avenue Historic District and the Courthouse Square Historic District. It is within walking distance of the Lincoln Park/East Rockville residential district to the east at Park Avenue east of the Rockville Metro Station. The Building lies on the main pedestrian spine through Town Center along East Montgomery Avenue connecting the Rockville Metro Station, the District Court, Circuit Court, County offices, Cambria Hotel, and Regal Theatre to Maryland Avenue north through the main retail district of town center.

The Property is within walking distance of Rockville Town Center Park, Courthouse Square Park and James Monroe Park.

The Rockville Volunteer Fire Station No. 3 that includes fire and rescue as well as ambulance, medic equipment, and staff is located two blocks north of the Property at the intersection of Hungerford Drive at Beall Avenue.

The extensive transportation and public transit network proximate to the Property (MD 355, MD 28, I-270, MD 526, MD 200 and more) provides convenient regional access to the rich employment, services, government, cultural, historic, entertainment, and retail opportunities in all directions.

D. **Prior Approvals.**

Site Plan STP2017-00321

Project Plan PJT2014-00003 – add 178 du, 15% reduction required residential parking

Site Plan STP2016-00279, STP2012-00105

Planned Development PDP94-001 through PDP94-001E – density, massing, uses,

40% reduction required commercial parking, traffic mitigation requirements

Use Permit USE2006-00699A

Record Plat 24566 for Parcels 2-M and 2-L, Rockville Town Center

The Project lies within PD-RCI which previously delivered street dedication and construction of the surrounding street grid, traffic mitigation improvements and contributions to City traffic improvements in the surrounding area, construction of stairs and elevator to the elevated Promenade Plaza connection to the Metro station, dedication of and construction of Courthouse Square Park, contributions to improvements at James

Monroe Park, among other improvements and contributions under PDP94-001, as amended.

III. **PROPOSED DEVELOPMENT**

A. Project – BLVD Lofts

The Project proposes:

- i. Conversion of street-level commercial to residential: Conversion of 13,011 sf vacant commercial space fronting on Monroe Street, East Middle Lane, and Helen Heneghan Way;
- ii. Conversion to 13 two-level dwelling units including (1) 1-bedroom, (11) 2-bedroom with direct sidewalk access and private rear corridor ADA access, and (1) 3-bedroom with direct sidewalk access;
- iii. Parking within existing on-site non-reserved structured parking garage, 17 parking spaces for residential after 15% parking reduction per PJT2014-00003 (see Parking Section for calculations and more detail);
- iv. Mail and Package Room in the BLVD Loft lobby accessed from Monroe Street and Helen Heneghan Way. Trash room accessed from the BLVD Loft Lobby.
- v. Access for residents to BLVD Ansel amenity spaces including upper level clubroom, open courtyard with pool, outdoor dining and gathering spaces; fitness center, business center and co-working space; secured bicycle room with bicycle maintenance and repair facilities; structured parking; outdoor sidewalk seating; among others.
- vi. Architectural urban frontages to new units with two-story window walls with entry doors;
- vii. Direct sidewalk entrances with steps, ramps and railings, and for most units, secondary rear corridor access.
- viii. Amenity zone improvements within existing five-foot amenity zones on Monroe Street and Helen Heneghan Way.
- ix. Retention of 6,500 square feet of existing commercial space fronting East Montgomery Avenue, with parking based on restaurant with bar use together with up to 1500 square feet of outdoor seating.

The Project delivers character and architectural interest along the affected building frontages with activated spaces, in lieu of vacant boarded retail spaces that have not leased despite active marketing by two successive owners, since before and after the Building opened in 2021/22.

The Project will complete the finished look of this Building and the blocks fronting Middle Lane, as well as provide another housing type choice attracting residents to Town Center.

For clarity, the prior Site Plan STP2017-00321 reflected 22,200 gsf of ground level commercial space. This Project Plan and Site Plan reflects conversion of 13,011 gsf of

commercial space to dwelling units with 6,500 gsf of commercial space remaining, a combined total of approximately 19,600 gsf of ground floor space for those uses. Please note that the residential conversion area are the retail bays that are proposed to be converted into dwelling units. Since residential is defined by dwelling units and not gsf of the units or accessory spaces, the internal corridors and exits in and through the garage at grade, including some corridors originally created for commercial tenant movements through the garage to the loading area are not included in the 13,011 gsf to be converted. This is the difference in the data table between the 2017 Site Plan gsf of 22,200 gsf commercial and the 2025 PJT/Site Plan gsf of 19,600 gsf (6500 gsf commercial remaining with 13,011 gsf converted to residential dwelling units).

B. Moderately-Priced Dwelling Units

The Project is the addition of thirteen dwelling units by conversion of part of the Commercial Unit in the Master Condominium. The Building currently provides 33.75% affordable units (135 of the 400 existing dwelling units) per MPDU Covenant recorded at Liber 57929 folio 499. The addition of thirteen dwelling units to the Building results in the Building continuing to provide 32.68% affordable units ($135/413 = 32.68\%$). The Building therefore continues to provide affordable units in excess of the minimum 15% of the total units per MPDU Chapter 13.5 Ordinance and Regulations. No additional MPDUs are proposed.

C. Architecture and Urban Design

The project proposes ground-floor loft-style residential units featuring large expanses of windows, similar to the originally proposed commercial storefront windows. The design includes sleek, metal-framed window walls facing the pedestrian zones of the sidewalk and street. The loft residential units have doors that allow for direct access to the sidewalk, contributing to an urban neighborhood character integrated with the overall architecture and is proportionate to the scale of the remaining high-rise structure.

The generous window walls, characterized by fine detailing, offer expansive transparency, enhancing the sense of activity and safety while promoting increased interaction between the public spaces of the sidewalk/street and the private residences. The unique arrangement of door locations, stoops, stairs, and additional features within the building's amenity zone enriches the sensory experience along Monroe Street, East Middle Lane, and Helen Heneghan Way.

The most vibrant and livable streets in great cities blend residential and retail spaces, reflecting the urban evolution over time. The BLVD Lofts will seamlessly integrate an urban residential segment of the street with the fabric of Rockville's dynamic mixed-use business, institutional, entertainment, and residential district. This project will significantly contribute to creating a rich texture of urban nuance as Rockville Town Center continues to evolve.

Along Helen Heneghan Way, the new loft units complement the quiet, secondary thoroughfare and the street's urban feel. The lobby of the residences is situated opposite the active lobby of the Cambria Suites Hotel. Along East Middle Lane, the new loft units face a sidewalk that is buffered from the travel lanes by an established bike lane. Along Monroe Street,

the new loft units will beautifully complement the planned redevelopment of an office building conversion into mid-rise residential building at 255 Rockville Pike now pending project plan amendment approvals. These essential components will come together to create something greater than the sum of its parts, solidifying this block of Monroe as part of a walkable, livable district.

D. Direct Sidewalk Entrances.

Similar to commercial storefronts, the BLVD Lofts residential fronts include direct sidewalk access front entrance doors with swings into the building. On the East Middle Lane frontage the units and the corridor exit door are at grade with the sidewalk or typical one step up to the building face to the unit. Because the Monroe Street façade is articulated with vertical column elements, the original commercial units were set back variable distances from the Building face. Therefore, the entry steps do not encroach on the 8-foot unobstructed pedestrian path on the public sidewalk. This includes the entrance on the chamfered corner unit at the intersection of Helen Heneghan Way at East Middle Lane.

On the Helen Heneghan Way frontage where the floor elevations vary greater from the sidewalk grade, one unit with a 3-foot wide stoop with steps is proposed within the existing 2-foot storefront zone and extend within the existing 5-foot amenity zone. These do not encroach on the 8-foot unobstructed pedestrian path on the sidewalk. On Helen Heneghan Way, this stoop and steps is proposed as a fabricated metal landing, steps and railing. Stoop and stairs installed over the storm drain easement running along the building face will be designed to permit removal for future maintenance.

On the Monroe Street frontage, re-grading near the intersection with Middle Lane will allow the BLVD Loft lobby corridor door to be at grade and ADA accessible. Dwelling units on Monroe Street have at grade entrances.

Units fronting Helen Heneghan Way and Middle Lane have primary ADA access from rear corridors. The direct sidewalk entrance doors for those units are secondary entrances.

E. Offstreet Parking and Loading

The residential BLVD Loft units will have parking within the existing 603 space on-site structured parking garage in the Building. The Code minimum required parking for the thirteen units is 19 spaces (1 space/1-bedroom x 1 + 1.5 spaces/2+ bedrooms x 12 = 19 spaces). After application of the 15% parking waiver under PJT2012-0003, the required parking is 17 spaces (19 spaces less 15% (2.85 spaces) = 17 spaces).

The reduced commercial space of 6,500 square feet in the Building plus up to 1500 square feet of outdoor seating on its East Montgomery Avenue frontage assumes for parking calculation purposes only (while reserving the right to all permitted commercial uses) restaurant with a bar area use that has Code minimum required parking of 204 spaces (1,083 sf space patron area restaurant x 1 space/50 sf patron area + 2,350 sf space bar patron area at 1 space/15 sf patron area + 1500 sf square feet outdoor seating area x 1 space/80 sf patron area + 16 employees at 1 space/2 employees = 204 spaces). After application of the 40% parking waiver

for commercial uses, the required parking for the remaining commercial space is 124 spaces. The final mix and allocation of square footage of the remaining commercial space shall be subject to available parking.

Because the Project is located within a mixed-use development connected to the Metro station, public transit and a district providing walkable goods and services, the total required parking for the Building under the Governing Documents is based on a Peak Time of Day demand calculation per Section 25.16.03.h.6. See Attachment 1 Parking Narrative and Tables. The total Peak Time of Day Parking Demand for the Building (Weekend Evening) is 403 parking spaces. With the addition of the 200 parking spaces provided within the Building for the Regal Row building uses, the existing 603 parking spaces ($403+200 = 603$) are sufficient for the final code required parking for all uses in the Building, including the converted BLVD Loft units and the remaining commercial space as restaurant use.

Access to the parking garage is via existing entrances on Helen Heneghan Way and Monroe Street to the parking garage elevators.

The addition of the BLVD Loft residential units requires one additional long-term bicycle parking space, taking the Building total to 93 long-term spaces. The additional long-term space is to be provided in the existing Building bike room. The short-term bicycle spaces are existing in racks around the Building. The existing vacant commercial space short term bicycle spaces of 6 spaces exceeds the requirements for short-term bicycle space of 1 space for the BLVD Loft units. No additional short-term Bicycle spaces are required or proposed.

A residential trash room is provided in the BLVD Lofts lobby corridor behind the units fronting Middle Lane with convenient access to all units from both Helen Heneghan Way and Monroe Street. Trash removal from the trash room is accessed from the loading area.

F. Stormwater Management

The construction of the direct sidewalk access door and landing for the BLVD Lofts lobby along Monroe Street requires regrading of the sidewalk slope resulting in land disturbance of existing hardscape just exceeding 250 square feet of land. The Stormwater Management Concept Plan filed January 29, 2025 in advance of the site plan proposes payment of fee in lieu for the de-minimus disturbance of land for the sidewalk re-grading.

G. Forest Conservation

The existing Building has an approved Forest Conservation Plan FTP2006-0019. The updated NRIFSD reflects the 18 street trees in the streetscape adjacent to Parcel 2-L installed at the time of the original construction of the planned development and Building remain in place. The additional 21 trees in confronting streetscapes also remain in place. No further forest conservation is required or proposed.

H. Landscape and Lighting

The Project's landscape and lighting plan will be as shown in the Site Plan submission as part of the Architectural plans. Lighting is proposed at each unit and corridor entrance. No additional landscaping is proposed for the existing Building.

I. Publicly Accessible Art in Private Development

The Building complied with Chapter 4 of the City Code (Publicly Accessible Art in Private Development) ordinance at the time of original construction including a contribution for the commercial space to be converted. Physical art is installed at the corner of E. Montgomery Avenue and Helen Heneghan Way. The AIPD expenditure for Art for the 13 multi-family dwelling units at the current rate totals \$13,277.29. After credit for the previous AIPD expenditure for 13,011 sf of commercial space in 2021 of \$8,463.84, the AIPD requirement for the 13 du is \$4,813.45. The Applicant submitted an AIPD application of its election for its AIPD requirement with Site Plan STP2025-00503.

IV. ADEQUATE PUBLIC FACILITIES

A. Schools

The Montgomery County Public Schools assigned to the Property are:

Beall Elementary
Julius West Middle School
Richard Montgomery High School

Based on the adopted Montgomery County student generation rates for Housing Types FY2024-2025 for Multi-Family High-rise project in an Infill Area, the Project's 13 dwelling units are projected to generate a total of one K-12 student (0.949 student) made up of 0.23 high school students, 0.21 middle school students, and 0.5 elementary school students.

Per the City APFO Standards FY2024-2029 Supplemental School Data published July 2024, projected capacity at all school levels of the assigned schools are deemed Adequate, at or below 120% Program Capacity*.

Beall Elementary School is projected for the test year 2028-2029 to have a 254 seat surplus and operate at 61.7% Program Capacity and therefore the school is adequate to absorb the projected 0.5 elementary students generated by the Project.

Julius West Middle School is projected for the test year 2028-2029 to have a 81 seat surplus and operate at 94.3% Program Capacity and therefore the school is adequate to absorb the projected 0.21 middle school students generated by the Project.

*While Richard Montgomery County High School current projection is 122.4% Program Capacity, the School is deemed conditionally adequate for test year 2028-2029 due to an approved CIP project now fully funded and under construction that will reassign students among Gaithersburg HS, Richard Montgomery HS, Quince Orchard HS, Thomas S. Wootton HS, and

and the new Crown HS in Fall 2027. High School is adequate to absorb the projected 0.23 high school student generated by the Project.

Based on the foregoing, the Montgomery County School Impact Tax will be due at the standard rate in effect at the time of building permit issuance without any Utilization Premium Payment.

B. Transportation Statement

The Transportation Scoping Form prepared by Gorove Slade dated December 2024 finds that:

- i. The Project generates less than 30 net new peak hour trips with an overall reduction in site trips of 27 fewer AM peak hour trips and 62 fewer PM peak hour trips compared to the existing commercial and retail uses approved that are to be converted to residential. Therefore, under the CTR only an on-site review would be required for the Project. The Building was entitled and constructed per prior Project Plan and Site Plan approvals evaluating the on-site transportation/circulation review. No changes are proposed to the existing parking entrances and garage circulation, loading docks, or adjacent streets. Only a limited Transportation Memorandum should be required.

The Building developed on Parcel 2-L was subject to and satisfied all conditions of traffic mitigation under PDP94-001, as amended, as set forth in detail for Parcel 2-L in PJT2014-0003.

C. County Impact Tax Credit/ City Transportation Improvement Fee

The Project may be subject to applicable requirements of the Montgomery County Development Impact Tax for Schools. The City Transportation Improvement Fee was paid for the Commercial Unit at the time of original building permit and no further payments should be required.

D. Water/Sewer

The City APFO Standards require water and sewer service adequacy to be determined by the service provider. The City is the Project's Water and Sewer service provider.

The Project has applied for a water and sewer authorization for the Project. Based on a review by Macris Hendricks Engineers, water and sewer capacity infrastructure in the Project area is anticipated to be adequate to serve the Project.

Water service for the BLVD Lofts is to be connected to a sub-meter after the main residential water meter in lieu of its connection to the main commercial water meter as originally designed as commercial space.

V. ZONING ORDINANCE DEVELOPMENT COMPLIANCE

The Project complies with the applicable standard and specific development standards and design regulations of the Governing PD-RCI Documents and the equivalent MXTD zone. There

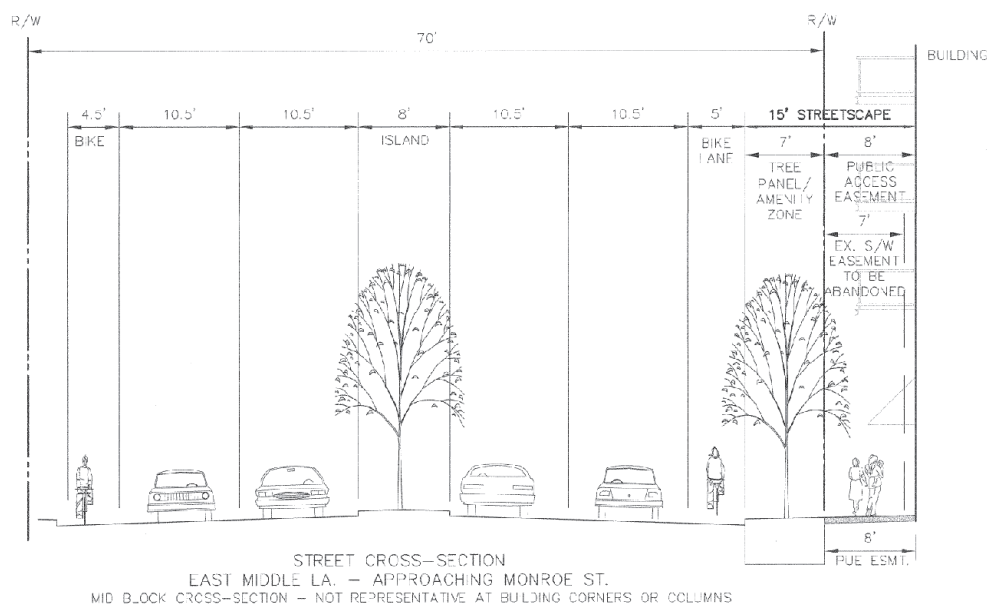
are no modifications to the Building other than residential frontages and corridor entrances, so compliance review is limited to parking and bicycle parking (as discussed above and shown in the Parking Table on the Project Plan), and any additional Design Guidelines related to street level unit fronts.

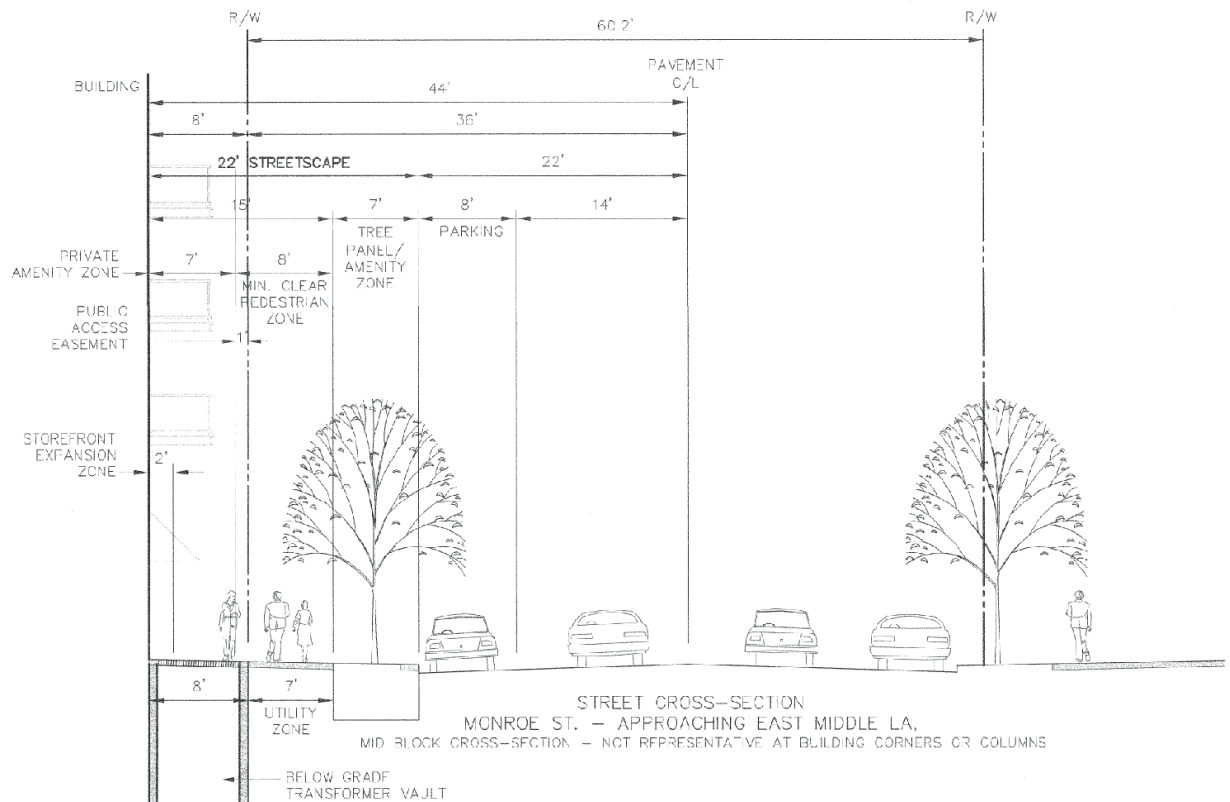
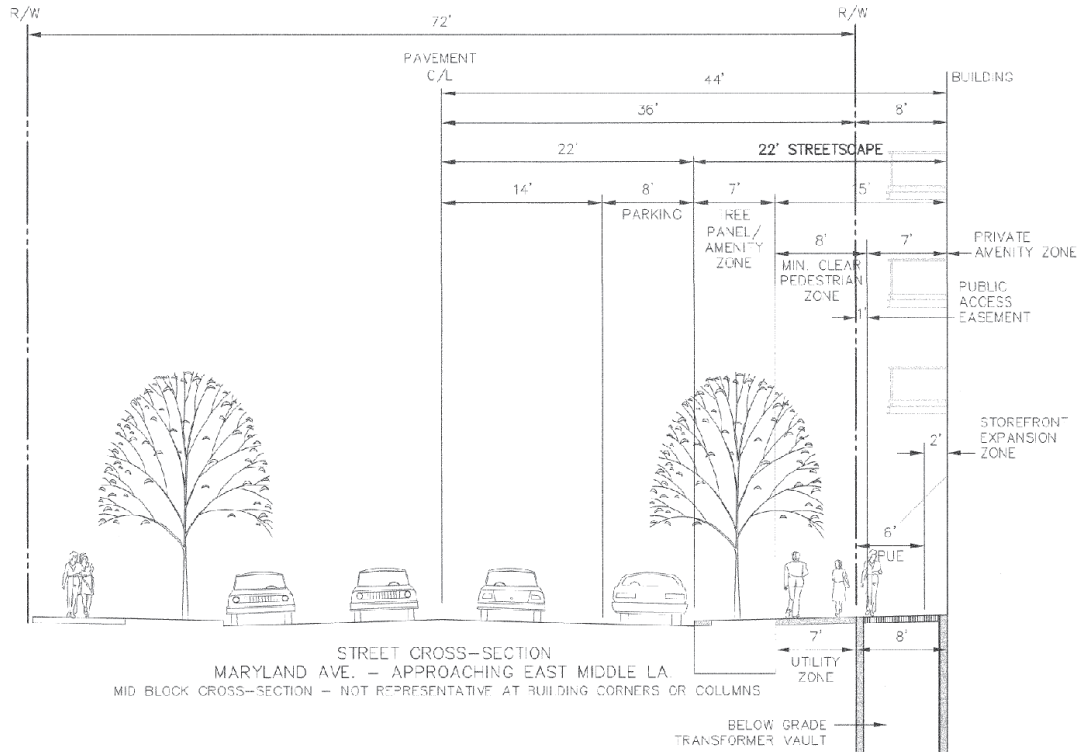
1. Development Standards PD-RCI

The Building met all of the Development Standards in the Governance Documents of PD-RCI at the time of construction,

Street sections under the original Governance Documents for East Middle Lane, Monroe Street and Helen Heneghan Way (originally platted as Renaissance Street) generally require a 7-foot tree lawn and an 8-foot unobstructed pedestrian sidewalk. On Monroe Street and Helen Heneghan Way, a two-foot storefront zone permits build-out of street-level extensions beyond the existing building face and a five-foot amenity zone permits the installation of furniture, fixtures and other removeable items within five feet of the building face.

The Project proposes use of these storefront and amenity zones in the same way that would have been required for the design of the access for a commercial space, including removable steps and stoops and minor encroachments. The original street sections from the PDP are depicted below. The Project Plan site plan depicts existing and proposed conditions relative to the property lines, storefront zones, amenity zone, 8-foot pedestrian passage zones and easements, and public and private easements.





The final recorded easements are shown on Plat 24566 that created Parcel 2-L. See the Project Plan site plan for proposed entrances and entry features.

Additional Design Guidelines for Mixed Use Zones

The Building met applicable Design Guidelines for the equivalent zone at the time of original construction. The Project is in substantial conformance with the intent and purpose of the applicable Additional Guidelines for Mixed Use Zones in Section 25.13.06 noted as follows:

- i. *Aesthetic and visual characteristics for all zones. Facades and exterior walls including sides and backs. Buildings should be designed in a way that avoids massive scale and uniform and impersonal appearance and that will provide visual interest consistent with the community's identity, character, and scale. It is recommended that building walls greater than one hundred (100) feet long include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the facade along all sides of the building facing public streets.*

The Project maintains an articulated Building façade. Generous window walls, characterized by fine detailing, offer expansive transparency, enhancing the sense of activity and safety while promoting increased interaction between the public spaces of the sidewalk/street and the private residences. The unique arrangement of door locations, stoops, stairs, and additional features within the building's amenity zone enriches the sensory experience along Monroe Street, East Middle Lane, and Helen Heneghan Way.

- ii. *Along any public street frontage building, design should include windows, arcades, awnings or other acceptable features along at least sixty (60) percent of the building length. Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.*

The Project's residential frontages continue to include generous window walls for the entirety of the commercial spaces that are converted.

- iii. *Buildings should include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall along those sides fronting on public streets with color, texture change, wall offsets, reveals, or projecting ribs.*

The addition of door locations, stoops, stairs, and additional features for the residential units along the faces of the Building enrich the visual interest and pedestrian experiences at the sidewalks.

iv. *Roofs.*

Not Applicable.

v. *Materials and color. General provisions. Buildings should have exterior building materials and colors that are compatible with materials and colors that are used in adjoining neighborhoods. Certain types of colors should be avoided such as fluorescent or metallic, although brighter colors may be considered at the discretion of the Planning Commission. Materials not desired. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials should be avoided unless the exterior surface is covered.*

The Project proposed residential frontages utilize extensive glazing and metal trim in standard urban commercial colors and trims compatible with the existing Building architecture.

Additional Design Guidelines for Mixed Use Zones

The Building met all the Design Guidelines at the time of construction. The Project is consistent with the intent and purpose of the applicable Additional Guideline for the equivalent Mixed Use Transit Zone in Section 25.13.07 as follows:

2. *Uses by floor. The ground floor must contain retail or public-related service uses along those streets designated in the master plan as major pedestrian spines. Ground floor retail is the preferred use along other streets, but is not required. The ground floor should normally have a ceiling height of at least fifteen (15) feet. At the time of site plan review or project plan review, the Approving Authority may consider a lower ceiling height if appropriate in the particular circumstance. The upper floors may be additional retail, office, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses.*

The Building retains the commercial use along the existing commercial space fronting on East Montgomery Avenue, identified as a major pedestrian spine from the Metro along E. Montgomery Avenue to Maryland Avenue and through Town Center. The Building otherwise contains only residential uses. The Project's proposed street level conversion of commercial spaces to residential uses is consistent with Design Guideline #2 that encourages first floor residential in spaces that are designed to be flexible for residential and retail uses due to ceiling heights and other design elements. The Project does not alter the original commercial space's high ceilings and large openings for storefronts, maintaining flexibility over the Building life.

VI. MASTER PLAN COMPLIANCE

A. The 2040 Plan. The City-wide Comprehensive Plan was adopted August 2, 2021. The Project is in substantial conformance with and implements many of the applicable principles, visions and goals of the 2040 Plan as set forth below.

i. Visions

a. LAND USE AND URBAN DESIGN Vision

Rockville is a city that encompasses comfortable neighborhoods where residents can walk, bike, and roll to amenities; mixed-use urban areas where residents, businesses and institutions thrive together; commercial and residential corridors where daily needs and wants are met; and areas for offices, laboratories, and industry where employment can be found.

The Project is part of the implementation of the vision for an integrated mixed-use urban area that provides housing, services, culture, recreation and employment opportunities in Rockville Town Center. The Project adds new residents to support the existing retail and employment district. The Project completes the street level of an active existing block.

b. TRANSPORTATION. *Rockville's transportation system will provide residents, businesses, employees, and visitors with multiple options for moving about the city through a variety of modes and paths while ensuring access for persons of all abilities and mobilities. The city's commercial vitality, and position as a regional hub and employment center, will be supported by infrastructure investments that enhance connections to the broader region, while managing traffic and congestion. Rockville will continue to transition to a more-walkable community and contribute to regional efforts to create safe, efficient, and environmentally sustainable mobility.*

The Project provides additional housing with a high walkability score via a developed sidewalk and street grid to Metro, bus and future BRT public transit, goods and services, entertainment and institutional uses, public parks, and historic assets. The extensive transportation and public transit network proximate to the Property (MD 355, MD 28, I-270, MD 526, MD 200 and more) provides convenient regional access to the rich employment, services, government, cultural, historic, entertainment, and retail opportunities in all directions.

- c. *RECREATION AND PARKS.* Rockville will continue to have a vibrant, beautiful, and easily-accessible park system with a wide variety of recreation facilities and programs, as this system is critical to supporting the health and well-being of the people of Rockville and its natural environment. Parks and recreation facilities will meet the needs and desires of Rockville's diverse users.

The Project is part of the Planned Development that delivered Courthouse Square Park and the Promenade Park, as well as incorporated street design to facilitate closures for City community events, such as a farmers market or outdoor seating for entertainment uses, to support the health and well-being of the residents of Rockville, including new residents of the Project.

- d. *ENVIRONMENT.* Rockville strives to assure clean land, air and water, and efficient use of resources, to foster healthy, sustainable, and resilient environments for living, working, and recreation.

The Project will have no negative impact on the environment and is an example of the sustainable re-use of existing buildings through the flexible conversion from commercial to residential.

- e. *ECONOMIC DEVELOPMENT.* Rockville will proactively adapt to the changing business environment and strategically leverage its assets and position as the County seat within a dynamic region to enable an innovative and thriving local economy. It will do so to advance equitable economic development, creative and diverse jobs creation, the quality of life for its residents and workforce, and to enhance the long term fiscal standing of the city.

The Project will convert vacant street level commercial space, eliminating competitive over-supply of retail space to support the existing retail in Town Center, while adding residents to patronize those existing retail businesses.

- f. *HOUSING.* Ensure that current and future Rockville residents have a diverse array of quality housing choices that are affordable and livable, at all socio-economic levels.

The Project delivers new urban loft style housing adding diversity to the housing choices to the other high-rise multi-family housing options in Rockville Town Center.

Planning Area 1 Rockville Town Center

...Street-level commercial activity has experienced challenges due to increased competition in the region, the advent of e-commerce, which has greatly reduced the amount of commodities sold in physical stores...an overall shift in consumer preferences. Policies in this Plan section represent adjustments to the 2001 Town Center Master Plan...and the changing circumstances since that time.

The Project addresses the over-supply of commercial space with the conversion to residential units that both activate the sidewalk with direct sidewalk access units and the activities of the residents' daily lives, as well as support deliver additional residents to support the vitality of the existing retail in adjacent buildings and the Town Square business district.

B. Town Center Master Plan - 2040 Amendment to Update Town Center Plan

An Amendment to the 2021 Comprehensive Plan (20240 Plan) to update the Town Center Master Plan was adopted by the Mayor and Council on January 27, 2025. The Project is in substantial conformance with and supports of the vision and goals of the Town Center Plan as noted below.

Town Center Master Plan Goal

#1 Target appropriate areas for higher density residential developments to reach 3000 new residential units by 2040. Provide for a variety of development types to adapt to market demands and to address missing-middle housing.

The Project proposes thirteen new dwelling units, ranging from one to three bedrooms, and provides a new housing choice for households that desire convenient urban living with larger living space and amenities – such as families and residents looking for alternatives to detached single-family homes.

Town Center Vision

Rockville Town Center will continue to grow as a vibrant, multicultural, diverse and inclusive community that celebrates a high quality of life and sense of place. A neighborhood at its core, Town Center will be a hub within the region for sustainable, walkable, transit-oriented living.

The Project replaces vacant boarded retail space with new homes for Town Center residents enhancing both the vibrancy of this block and adding to the neighborhood character of transit-oriented living in Town Center.

Area Vision – Central Town Center

...The design of this area should take into consideration a sense of arrival and draw the visitor in. Town Square is likely to continue as the “heart” of Town Center in many ways.

The Project enhances the sense of arrival to a vibrant Town Center for visitors from the Metro and Rockville Pike, whether arriving via the Promenade Park pedestrian bridge and plaza to East Montgomery Avenue or via Middle Lane, by converting vacant retail to living units active with the daily life of residents. The Project enhances the transition through to the retail district and amenities in Town Square in the next blocks north and west.

Town Center Plan Focus Areas

The Land on which the Project is located is not an identified “Focus Area” of the Town Center Master Plan, however it is proximate to three focus areas: the 255 Rockville Pike and 41 Maryland Avenue sites that are part of the original PDP, and 51 Monroe Street.

Town Center Housing

The City encourages the development of a wide variety of unit types – this refers to different housing typologies-(such as townhomes and multi-family apartment buildings), but also provides a mix of units within those typologies. The City encourages unit mixes in development projects to contain a full range of unit types that the market can support of different sizes and layouts to accommodate the greatest variety of households.

The Project introduces a loft unit typology to this area of Town Center and the Building that will expand the housing choice for a greater variety of households.

Town Center Economic Development & Business

...Town Center is a hub of retailers that provide goods and services...Rockville Town Center cannot truly thrive without residential growth surrounding and supporting its existing retail.

The Project will convert street level commercial space that has been vacant despite the marketing efforts of two successive Building owners and add additional residents to support the existing retail in adjacent buildings and the Town Square business district.

VII. FINDING REQUIRED FOR PROJECT PLAN APPROVAL

The Zoning Ordinance Section 25.07.01.b.2. contain the findings that the Mayor and Council must make prior to approving the Project Plan Amendment Applications. The following demonstrates how the Application complies with these required findings:

- i. The Project Plan Amendment will not adversely affect the health or safety of the persons residing and working in the neighborhood of the proposed project:

The Project will replace vacant street level commercial space that has been boarded (albeit artistically decorated) since the Building was completed in late 2021/early 2022 through two successive owners who have actively marketed the commercial spaces without success, despite even financial incentives proposed for certain prospective tenants by local government agencies. The Project will add 13 new loft dwelling units to Town Center, adding a new housing choice as well as new residents to support the surrounding business district. The conversion to occupied residential units will enhance the safety of persons residing and working in the neighborhood by adding street level activity and eyes on the sidewalk. The Project is integrated into an existing Building and complements other existing residential uses with a small addition of residential units. The addition of residential use will not affect the health or safety of persons in the neighborhood. Overall, the Project will add to the visual vitality of Town Center by completing the street level spaces of an existing building.

- ii. The Project Plan will not be in conflict with the Plan.

As noted in more detail in Section VI above the Project Plan supports the goals and visions of both the 2040 Plan and the 2025 Town Center Master Plan. The 2040 Plan provides the following Overarching Principles:

- a. Foster a vibrant, multi-cultural and successful downtown.*

The Project will activate the street level by conversion to residential of the first floor retail space that has been vacant and boarded for the last 4 years. Conversion will foster the appearance of a vibrant and successful downtown by the elimination of the vacant retail spaces.

- b. Steer the most-dense development to mixed-use, transit served locations.*

The Project is located within the Core Area within the commercial retail, restaurant and cultural district of Town Center and within walking distance of one-block to transit of both the WMATA Rockville Redline Station and Montgomery County bus service along Hungerford Drive. It lies one block from the future southern section of the proposed 355 Bus Rapid Transit system within the right-of-way of Hungerford Drive/Rockville Pike.

- c. Encourage a variety of housing types that are accessible to a wide range of household needs and incomes.*

The Project provides a new housing choice of two-story loft units, including larger 2-bedroom units and a 3-bedroom unit, perfect for families and empty-nesters who want to live in a Town Center location walkable to goods, services and entertainment, as well as transit options. Direct sidewalk access units enhances the feel of

- g. Maintain and promote safe, attractive, welcoming, and amenity-rich neighborhoods.*

The Project will add to the rich urban fabric of Town Center as it continues to evolve as a vibrant mixed-use livable neighborhood.

VIII. FINDINGS REQUIRED FOR SITE PLAN APPROVAL

The Zoning Ordinance Section 25.07.01.03(b) provides that a site plan application that implements all or a portion of an approved project plan is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved project plan and where the application will not:

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

The Project will be built in accordance with current building codes and land development regulations with a residential use both compatible and similar to other uses and developments in the neighborhood, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The additional units are proposed as a conversion of existing space within an existing established building with 400 dwelling units and a mix of market dwelling units and affordable senior dwelling units. Other than minor re-grading of certain portions of sidewalks to provide at-grade access, there are no impacts to property or improvements outside of the Land and Building.

- ii. Constitute a violation of any provision of this chapter or other applicable law; or

As discussed throughout this Statement and as shown on the plans, the Project complies with applicable provisions of the Zoning Ordinance and other applicable laws.

Or,

- iii. Be incompatible with the surrounding uses or properties.

The Project is a complement to the surrounding uses and properties by expanding the number and type of housing choice and increasing residents in Town Center integrated into an established mixed-use business and residential district. The Project provides additional customer base without diluting the core retail district around Town Square with additional disconnected retail space.

IX. COMMUNITY OUTREACH

The City hosted a virtual Pre-Application Meeting community meeting at which the Applicant presented its proposed Project via WEBEX on December 9, 2021 and January 4, 2022. Notice was properly given by Applicant by mail and electronic notice in accordance with the Zoning Ordinance and Development Manual. Signs were posted on the Building on all frontages. The meeting was attended by a range of interested parties from Town Center multi-family buildings, nearby neighborhoods, and commercial property owners. A sign-in sheet and the meeting transcript were filed by the Applicant. The video of the Pre-Application Meeting is available on the City's website development page.

A Post-Application Community Meeting will be conducted in accordance with the Zoning Ordinance, currently scheduled virtually on February 25, 2025. Notice of public hearings and meetings and the signs have been and will be posted in accordance with the Zoning Ordinance throughout the review process.

X. CONCLUSION

As demonstrated by the Statement of Justification, the Project Plan submissions and Application, and the Site Plan submissions and Application, the Project complies with all applicable requirement of the Zoning Ordinance and other applicable City Code and regulations and is in substantial conformance with the recommendations of the Rockville 2040 Comprehensive Plan, the Town Center Master Plan, and other administrative and functional master plans.

The Project will advance the goals of the 2040 Plan and the Town Center Master Plan to strengthen the Town Center neighborhood with increased residential density and

new housing typologies to provide greater choice to a wider range of households and enhance the overall vibrancy and quality of life in the Town Center and the City generally.

For all these reasons, the Project Plan and Site Plan Applications should be approved.

Shulman Rogers, P.A.
Nancy P. Regelin, Esquire
Counsel for Applicant