

STATEMENT OF JUSTIFICATION
Project Plan Amendment
41 Maryland Avenue - Momentum at Rockville Station
Updated September 2025

I. INTRODUCTION

SCG Development Holdings, LLC, contract purchaser of Parcel 2-H, Rockville Town Center subdivision with address of 41 Maryland Avenue with the consent of Comstock 41 Maryland, LLC, property owner of 41 Maryland Avenue, and **Comstock 44 Maryland, LLC**, property owner of the multi-family condominium unit and other commercial units in the building on Parcel 2-M, Rockville Town Center subdivision (generally referred to here as 44 Maryland Avenue), (together as joint “**Applicant**”), submits this Project Plan Amendment Application pursuant to Sections 25.07.01 through 25.07.04 of the Rockville Zoning Ordinance for the amendments to existing PDP approvals for the proposed “Momentum at Rockville Station” affordable residential development at 41 Maryland Avenue including, a modification to the massing, waiver of required parking, reduction in commercial space, and confirmation of the total number of dwelling units, as well as modifications to the MPDU Declaration of Covenants encumbering 44 Maryland Avenue as a key element of the affordable housing capital stack for 41 Maryland Avenue. A Waiver application with justifications for parking reduction and requested height are included in both this Statement and supplemental documentation.

II. PROPERTY

- A. **Property Identification.** The subject property is Parcel 2-H, Rockville Town Center subdivision per Plat 20464, with address of 41 Maryland Avenue, Rockville, Maryland 20850 (“**Property**”).

The Property is zoned PD-RCI and lies within the Town Center Planning Area, specifically the Central Town Center and Core Character areas. Within the governing documents of PD-RCI, the Property has been referred to from time to time as “Parcel 2-H” and/or “Block 4”.

The property identification for the property subject to the proposed amendment of the MPDU Declaration of Covenants (recorded at Liber 48595 at folio 408) is the Residential Unit, Rockville Town Center Phase 1 Master Condominium per Declaration recorded in Book 50182 Page 278 et seq, as amended, and shown on Plat 11252 through 11276, encumbering Parcel 2-M, Rockville Town Center subdivision (“**44 Maryland Avenue**” or “**44 MD MPDU Property**”).

- B. **Property Location and Characteristics.** The Property is located in Rockville Town Center approximately 790 feet west of Maryland Route 355-Hungerford Drive and bounded by East Middle Lane, Maryland Avenue, and East Montgomery Avenue. The

Property is currently improved as a surface parking lot with finished sidewalks along Middle Lane, Maryland Avenue and E. Montgomery Avenue. The Property is part of a five block planned development PD-RCI per PDP94-001, as amended, that includes 255 Rockville Pike on Parcel 2-F/Block 1, Regal Row on Parcel 2-G/ Block 5, BLVD 44 and the Cambria Suites Hotel on Parcel 2-M/ Block 3, BLVD Ansel and Residences on the Lane on Parcel 2-L/Block 2, and the surface parking lot at 41 Maryland Avenue on Parcel 2-H/ Block 4.

To the west, the Property is adjacent to, and shares a common property line with, the Victoria Condominiums zoned MXTD. To the east across Maryland Avenue, the Property confronts the BLVD Forty-four apartment building with street level retail and restaurants zoned PD-RCI at 44 Maryland Avenue. To the north across Middle Lane, the Property confronts the mixed-use district Rockville Town Square zoned PD-TS, specifically the Lunette building of the Fenestra apartment group and the first floor retail Starbucks space. To the south across East Montgomery Avenue, the Property confronts the Courthouse Square Park zoned Park Zone and beyond that the Red Brick Historic Courthouse zoned MXTD, and to the south east across the East Montgomery Avenue/Maryland Avenue intersection, the two story Regal Row retail/office/theatre pavilion at 199 E. Montgomery Avenue zoned PD-RCI. To the south the Property also shares common property lines with the office building at 32 Courthouse Square zoned MXTD.

The Montgomery County Circuit Court is one block south and the Maryland District Court is two blocks further south along Maryland Avenue at East Jefferson Street.

The Property is within walking distance of transit along existing sidewalks approximately 1250 feet across the elevated pedestrian bridge to the station entrance of the Rockville Metro Station on the WMATA Redline, and approximately 1000 feet along Middle Lane across Rockville Pike to the station sidewalk. Several bus stops are proximate on Middle Lane servicing multiple bus routes. Bike lanes exist on the south side of Middle Lane adjacent to the Property.

The Property 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 Maryland Avenue. A curb cut for the existing parking lot is on Middle Lane. On-street City-metered parking is along the frontage on Maryland Avenue. A marked handicapped on-street space is located on the south property line curbside on East Montgomery Avenue.

Per the 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. In the block south 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 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 northeast 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.**

Planned Development PDP94-001 through PDP94-001E – density, massing, uses, 40% reduction required commercial parking, traffic mitigation requirements
Use Permit USE2006-00699A

PDP94-001 through PDP94-001E, included land use allocations by block, as well as massing diagrams with maximum heights and reserved shadow case areas. See **Attachment A** for the original PDP94-001 land use allocation, massing diagram, and relevant excerpt of the amended PDP94-001 land use allocation for Block 4 – Parcel 2-H 41 Maryland. The PDP land use allocation was amended for Blocks 2 and 3 by later Project Plans but did not change the approvals for the Property on Parcel 2-H/Block 4.

Parcel 2-H – 41 Maryland

Record Plat 20464 Resubdivision Parcel 2-H, Rockville Town Center
Use Permit USE94-00531 – surface parking lot

Parcel 2-M – 44 Maryland

PDP94-001E

Site Plan STP2012-00105, STP2016-00279

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

The Project lies within Planned Development 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. APFO valid per Code Section 25.20.04 to November 1, 2030, subject to extensions.

III. **PROPOSED DEVELOPMENT**

A. Project – Momentum at Rockville Station 41 Maryland

The Project proposes:

- i. Multi-family residential development: Up to 147 dwelling units in a mix of studio, one-bedroom, 2-bedroom and 3-bedroom units;
- ii. 100% Affordable Units: 100% affordable to a range of households with qualified incomes under Federal LIHTC or local programs and affordability conditions are only subject to the terms of those programs during their compliance period; upon the expiration of the LIHTC or local program compliance period, all units that have been designated to satisfy the city's MPDU requirements (62) will be subject to covenants or other long-term protective measures ensuring that such units will meet the city's remaining affordability control period and all other requirements of City Code Chapter 13.5.
- iii. No commercial space: Ground floor space will be activated with resident activity centers and amenity spaces anchored by a corner lobby with window walls along both Middle Lane and Maryland Avenue and residential units along part of Maryland Avenue;
- iv. Massing: 12-story building with maximum height over the 448 ft elevation of up to 120 feet for flexibility on floor-to-floor dimensions and construction methodology;
- v. Building Amenities: Lobby gathering space, fitness room, clubroom, bike storage and package storage.
- vi. Interior Loading: Interior loading dock and waste management accessed from Maryland Avenue;

- vii. Parking Waiver: Zero on-site parking; Flexible Parking reduction to zero required parking for the Project requested per 25.16.03.h.1. Waiver Application and Parking Justification Memo submitted concurrently;
- viii. Off-site Improvement: (i) Proposed curbside drop-off/pick-up spaces along the Maryland Avenue right-of-way near the lobby entrance; and (ii) extended intersection pedestrian safety zone improvements at Middle Lane corner;
- ix. Waiver of Equivalent Zone Standard for Height request to 120' over the 448' elevation.

The Project delivers an affordable housing asset to Rockville Town Center in a transit rich location with a Walk-Score of 93% (“Walker’s Paradise” score) and denoted as an “Excellent Transit” and “Bikeable” location by walkscore.com, indicating residents are able to easily access local amenities without a car. With the wide range of unit sizes, and a broader range of qualifying household incomes under Federal and local programs, the Project will be an in-demand housing choice, especially for housing cost-constrained tenants that desire a location that will also allow them to shed the financial burden of car ownership.

B. Architecture and Urban Design

Located in the heart of Rockville Town Center at the intersection of Maryland Avenue and East Middle Lane, the Project will significantly contribute to the urban fabric of the vibrant Rockville community and town center. As proposed, this 12-story all-affordable residential high-rise development will fulfill the planned development mixed-use town center vision on the last PD-RCI block that has yet remained undeveloped. The Project offers a modern architectural design with large expanses of glazing along the ground level to further activate the neighborhood pedestrian experience. The main entrance is located at the high-profile corner at the northeast portion of the site to take full benefit of the lowest level of grading, further accentuating the connection between the lively main lobby and clubroom and neighborhood life.

This dynamic design provides modern ceiling heights necessary to meet market demands while providing for an elegant architectural massing arrangement. As depicted in the submission, a myriad of façade materials are utilized to seamlessly integrate the building into the Rockville Town Center architectural tapestry, further animating a community rich in diverse and substantial developments. This project will provide significant value to the neighborhood by adding much-needed affordable rental apartments while gracing the skyline with a thoughtful, upscale architectural design.

Architectural Features/Encroachments over Sidewalk/Private Amenities in Right of Way.

The Project proposes two encroachments over the sidewalk that comport with the requirements of the International Building Code Chapter 32 which governs encroachments into the right-of-way and over sidewalks. The Project also proposes the installation of bike racks to serve the Project in the sidewalk streetscape of the public right of way.

First is a metal canopy highlighting the entrance and lobby at the corner of Middle Lane at Maryland Avenue. The proposed canopy sits above the first floor storefront windows and extends approximately 5-foot from the building face. Due to the slope of Maryland Avenue up

from Middle Lane, the canopy is approximately 15' above the sidewalk at Middle Lane and slowly reduces to approximately 14'-7" at its terminus point along Maryland Avenue.



Per IBC 3202.3.1, canopies with less than 15-foot clearance over the sidewalk shall not extend more than two-thirds of the width of the sidewalk. The proposed canopy comports with this requirement. Applicant acknowledges that the canopy would be subject to the terms of License for private amenities in the right of way granted by the Mayor and Council.

The **Second** noted encroachment over a public sidewalk easement is the series of Juliette balconies on the Middle Lane façade from the 3rd to 10th floors. The Middle Lane balconies are within the property line where required building setback is zero. The balconies extend over the public sidewalk easement on the Property. The proposed Juliette balconies project less than one foot from the building face. City adopted building code IBC 3202.3.2 and 3202.3.3 provides for balcony projections of up to 4-foot for balconies with a minimum of 8 feet clearance and no limitation on the projection with over 15-foot clearance. The 3rd floor proposed balconies have a minimum clearance of just under 28 feet over the onsite sidewalk easement along Middle Lane.

Maryland Avenue Balconies. Applicant has removed the illustration of 5-foot deep balconies extending over the Maryland Avenue right of way line and public sidewalk at staff request. The Project Plan now reflects Juliette balconies pulled back within the Property line along Maryland Avenue. There is no encroachment into the right of way of Maryland Avenue.

Notwithstanding, Applicant requests the City consider during its Zoning Ordinance Rewrite, authorizations, exemptions or waivers, as may be needed under relevant City Code provisions and regulations to permit Maryland Avenue five-foot balcony encroachments over the right of way starting at the 4th floor and Middle Lane at the 3rd floor. Most of the 4th floor balconies along Maryland Avenue have a clearance of approximately 35 feet or more above the sidewalk. Applicant acknowledges that the balconies would be subject to the terms of a License Agreement for private amenities in the right of way granted by the Mayor and Council. Given the narrowness of the site and the setback from the Victoria building in order to reasonably construct an efficient double-loaded multi-family residential footprint, the request for the License

would provide more residents in the 100% affordable building with the light, air and outdoor amenity space a balcony affords. See illustration below, if allowed in the future, of full depth balconies in lieu of Juliette balconies with clearances over the Maryland right-of-way and Middle Lane sidewalk easement noted:



C. Affordable Housing and BLVD 44 MPDU Covenant Amendment.

The Project is proposed as a 100% affordable housing development as defined by the financing programs to be utilized for construction of the Project.

The Project will seek financing and equity from various sources, including Federal programs for Low Income Housing Tax Credits and state, county, and City affordable housing programs, which allow for a broad range of qualifying household incomes. The financial “capital stack” for construction of the Project includes a proposed contribution of part of the land value tied to an amendment of the remainder of the term of the existing MPDU Declaration of Covenants encumbering 44 Maryland Avenue, owned by an affiliate of the property owner of the 41 Maryland Avenue land.

The total number of units in the Project includes a proposed 46 affordable units to replace the 40 MPDUs proposed to be released at 44 Maryland Avenue (40 existing + 6 additional) in addition to the base Project of 101 units (46 + 101 = 147 total units). The existing 44 Maryland Avenue MPDUs are encumbered with a 30-year MPDU Declaration recorded in 2014. The remaining validity period at 44 Maryland will be significantly reduced by the time the Project is first occupied on or about 2028/2029 and will have fully expired by the time an initial LIHTC compliance period at the Project will have expired. The proposed amendment of the 44 Maryland MPDU Declaration is for termination and release of the encumbrance at 44 Maryland in exchange for significantly more affordable units at 41 Maryland Avenue that will be encumbered initially according to the terms of the federal or other affordable program compliance period, and any program renewal period. The City’s 99-year control period will be deemed to run-down concurrently, not added consecutively, with the federal or other affordable program compliance period (including any renewal periods) credited against the City’s 99-year control period for calculation of the remainder of the City’s control period. Upon the expiration of the LIHTC or other affordable program compliance period, the City’s MPDU program will

thereafter control the intended and designated MPDUs at 41 Maryland Avenue totaling 62 MPDUs, (which includes the 46 units discussed above plus 16 units calculated as 15% of the Project's 101 base units) to satisfy the City MPDU program for the remainder of the City's control period.

The Federal and state and local affordable housing financing programs will govern during the term of their programs. Upon the expiration of the LIHTC compliance period, all units intended and designated to satisfy the city's MPDU requirements will be subject to covenants or other long-term protective measures for any balance of a 99-year term ensuring that such units will meet the city's affordability control period and all other requirements of City Code Chapter 13.5.

Comstock 44 Maryland LLC recognizes that the residents in their existing 40 MPDU units in BLVD 44 have the option to lease parking in the BLVD 44 building at rates in accordance with the City MPDU regulations of one-half market rate for the first space for a MPDU tenant household and market rate for a second space. Comstock 44 proffers that any existing BLVD 44 MPDU resident that transfers to 41 Maryland under the relocation of the BLVD 44 MPDUs to 41 Maryland, will have the option to continue to lease parking in the non-reserved area of the BLVD 44 garage at then current market rates (one-half the rate for the first space for the transferred MPDU household, and market rate for a second space) for the period that such transferred BLVD 44 MPDU resident is a resident of 41 Maryland Avenue.

The Mayor and Council can amend the 44 Maryland MPDU Declaration upon findings under Code Section 13.5-5.f (1) and (2) that:

(f)(1) Instead of building the required number of MPDUs an applicant may offer to: a. Build Significantly More MPDUs at one or more other sites in the City; b. Convey land in the City that is suitable in size, location and physical condition for Significantly More MPDUs; c. Contribute to the Moderately Priced Housing Fund an amount that will produce Significantly More MPDUs; or d. Do any combination of these alternatives that will result in building Significantly More MPDUs.

In exchange for the termination of the 30-year Declaration of Covenants for 40 MPDUs at 44 Maryland Ave, the Applicant is proposing to build "Significantly More MDPUs" (as defined in the Code) at 41 Maryland Ave (46 MPDUs versus 40 existing MPDUs). Further, the City will gain the difference between the remainder of the 30-year term on the existing MPDUs and the current Code 99-year term Declaration on new MPDUs.

In addition to the 46 MPDUs from 44 Maryland Ave, this project will be subject to 16 additional MPDUs required for the 101 new units (147 units less 46 MPDUs from 44 Maryland Ave times 15%). The property will be required to have a total of 62 MDPUs or equivalent affordable for the 99-year term.

The Applicant is proposing to build a total of 147 affordable units. All units will be administered in accordance with the LIHTC program requirements serving an average of 60% Area Median Income (AMI). While under the LIHTC program, the units will fulfill

the project's MPDU commitments as equivalent affordable units. If the LIHTC compliance period (as may be extended) expires before the 99-year term, the intended and designated 62 units will thereafter be administered through the MPDU program for the remaining duration of the 99-year term.

2) The Mayor and Council has the option to accept the offer if it finds that:

a. 1) In the project or subdivision originally proposed by the applicant, an indivisible package of resident services and facilities to be provided to all households would cost the occupants of the MPDUs so much that it is likely to make the MPDUs effectively unaffordable by eligible households; or 2) Extraordinary circumstances make building the required number of MPDUs as part of the project impractical; and b. An offer made by an applicant under subsection (f)(1) will achieve Significantly More MPDUs or units which low and moderate-income households can more easily afford; and c. Acceptance of the applicant's offer will achieve the objective of providing a broad range of housing opportunities throughout the City.

An alliance of a property owner concerned about housing affordability in the region and an experienced affordable housing developer has created an extraordinary and innovative opportunity for Applicant to provide significantly more MPDUs at the Project at 41 Maryland Avenue encumbered for decades longer than the remaining term of the MPDUs at 44 Maryland Avenue when its original 30-year term expires in about 20 years. The affiliated ownership of 41 Maryland and 44 Maryland creates an extraordinary and unique circumstance. While any extension of the MPDU control period is impractical at 44 Maryland, the early termination of the 30-year control period at 44 Maryland makes possible a contribution of part of the 41 Maryland land value to the capital stack for development of a 100% affordable Project that will include an extended control period at 41 Maryland for significantly more affordable units at the Project. Acceptance of the Applicant's offer will achieve the objective of providing a broad range of housing opportunities throughout the City, specifically at a transit-rich location in Rockville Town Center, with: i) an extended term encumbering all of the intended and designated MPDUs at 41 Maryland (including 46 MPDUs created from the release of 40 MPDUs from 44 Maryland and 16 MPDUs for the 41 Maryland 101 du base development), initially under the federal and/or local financing programs, followed by any remainder of the City MPDU term under the current Code, ii) for significantly more MPDUs – 46 MPDUs in lieu of 40 MPDUs released from 44 Maryland, and 3) in a newly built Project with a broader range of dwelling unit sizes including 3-bedroom units serving both a broader range of household sizes and qualifying incomes.

Building "Affordable Housing" is not particularly affordable. It requires the developer and the jurisdictions to use every tool in their tool kits to weave together the complex package of stacked financing programs, incentives, equity, managed costs, and collaboration to deliver affordable units, especially in expensive downtown, transit locations where land and construction costs are higher. Segregation of affordable units in a building for financing and construction purposes within a mixed income area is one of the tools in the affordable housing tool box. The PD-RCI planned development has accomplished this once before with the collaboration with HOC to create the senior

affordable housing community in the Residences on the Lane within the BLVD Ansel building that delivered 33% affordable units within the BLVD Ansel project, more than double the City's MPDU requirement. Similarly, working with the Applicants on the transfer proposal in this Application, at the completion of 41 Maryland, together with BLVD 44 and BLVD Ansel, over those buildings within PD-RCI, the City will assist with the delivery of 282 total affordable units out of a total of 823 units, or 34% of the total units, more than double the City 15% requirement, with a range of qualifying incomes attainable to a broader set of renter households. This is quite an achievement for a downtown, urban, transit-oriented location, made possible by the Mayor & Council using all the tools in their tool kit to support affordable housing.

D. Off-street Loading/ Curbside Drop-off Pick up

The Project is proposing a curb cut and driveway to an interior loading dock for trash management, building operation services, and resident move-in, move-out activities in a high ceiling, one story interior loading space with doors at the south end of the building. The loading dock will be back-in, head-out. The on-street parking spaces along Maryland Avenue are proposed to be re-marked and signed to provide for an appropriate sized loading dock drive with adequate sight-lines at the driveway curb cut for safe maneuvering and visibility of vehicles and pedestrians in the right-of-way.

The Maryland Avenue frontage public parking spaces have been updated to reflect three drop-off/pick-up spaces with 10 minute parking to accommodate shared car services pick-up and drop-off such as Uber or Lyft, resident deliveries such as Door Dash or Insta-cart, resident drop-off of groceries or other goods, Amazon, Federal Express, or USPS delivery of packages to the Lobby package room, and other similar short-term activities. See updated Project Plan site plan.

See the curbside and loading dock management plans described in the update to the June 2025 Gorove Slade CTR Traffic Statement. Updated Gorove Slade Loading Area Analysis truck turning templates have been provided.

E. Middle Lane Streetscape

Per Plat 20464, the property owner granted the City a 7-foot wide sidewalk easement ("**Platted Sidewalk Easement**"), consistent with the remainder of the blocks of the RCI Preliminary Development Plan Middle Lane sidewalk section. After the City's 2022 Road Diet improvements to Middle Lane, the sidewalk streetscape along the Middle Lane frontage includes the 7-foot sidewalk easement and an approximately 6-foot wide buffer area, plus curb and gutter, all currently hardscaped as part of the sidewalk.

Per staff comments, a number of connections to utilities in Middle Lane are shown to serve the proposed Project. As a result, there are a number of proposed easements, such as electric and sewer, under the onsite Platted Sidewalk Easement for utility connections that extend through the right-of-way under the 6-foot wide streetscape buffer area to the respective mains in Middle Lane. These conflicts prevent street trees along the Middle Lane frontage. Staff has also requested that the buffer area be improved with a concrete pad for a future bus enclosure for the

existing bus stop near this intersection. At Site Plan as suggested in the Illustrative Landscape Plan, freestanding planters may be an option within the hardscape buffer zone.

Therefore, the sidewalk streetscape is proposed as an approximately 13-foot wide hardscape from the curb to the building face. At the intersection of Middle Lane with Maryland Avenue, an extended pedestrian peninsula, similar to that existing across Middle Lane in the Town Square project, is proposed to provide additional pedestrian safety zone while shortening the pedestrian crossing distance across Maryland Avenue.

F. Parking Waiver/ Reduction to Zero Parking.

The Project does not propose any onsite or required parking. This is consistent with the recommendation for the Property as a Focus Area property in the recently adopted 2025 Town Center Master Plan:

*41 Maryland Avenue. Encourage residential development of at least 100 units. If the existing, approved planned development for the parcel is modified, encourage the development of even more residential units on site. Ground floor retail should not be required. **Any on-site parking requirements should be waived due to the site's limited size, prime Town Center location, nearby structured parking options, and transit access.** [page 36, Town Center Master Plan]*

The Property is narrow making it impossible to design an efficient double-loaded parking structure with ramps and two-way drives within a high-rise building. The Project as a 100% affordable residential community does not require onsite parking for marketability and sustainable success. The Property location was selected for its advantages of being walkable to transit, jobs, goods and services for its resident community with a Walk Score of 92%. The Property is: i) proximate to a ZIP car sharing location across the street as well as multiple car rental locations one Metro stop south and north, ii) serviced by both Uber and Lyft ride-sharing car services, iii) surrounded by street parking that is free overnight, and iv) conveniently located near over 3000 parking spaces available to the public nearby (next door, across the street, and within 2 blocks) in structured parking facilities with available monthly parking options for any resident who chooses to own a vehicle. Further details and justification for a parking reduction to zero required parking is set forth in a Parking Justification Memo prepared by Gorove Slade dated March 2025 included in the application submission.

The Mayor and Council as part of their approval of a Project Plan Amendment for a property in a PD zone has the authority to reduce the number of parking spaces required, pursuant to Zoning Ordinance Section 25.16.03.h.1:

h. Flexible *parking standards*. The Approving Authority may permit reductions in the number of parking spaces required, if certain standards and requirements are met as set forth below.

1. Mayor and Council and Planning Commission reductions. The Mayor and Council, in the approval of a project plan, or the Planning Commission in the approval of a site plan within the MXTD, MXCD, MXE, MXNC and PD zones, have the authority to reduce the required number of parking spaces for uses in the building or buildings to be constructed provided that:

(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;

The Property is within 1500 feet walking distance along existing sidewalks to the Rockville Station entrance via either, Middle Lane, or, E. Montgomery Avenue to the pedestrian overpass, and satisfies this condition.

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

The Property is served by 4 bus routes in the immediate vicinity of the building as noted more specifically in the Gorove Slade Parking Justification and satisfies this condition. The future BRT stop on Rockville Pike at Middle Lane will further enhance the transit options for the residents.

or

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

The City's public parking facilities in Rockville Town Square available to the public are within 1000 feet of a building entrance, with the closest Garage C being across Middle Lane within 350 feet, and the largest City parking facility Garage A one block north on Maryland Avenue within 500 feet. Additional private parking facilities with parking available to the general public are likewise located conveniently, next door, across the street, and within two blocks of the Property.

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

The Property's narrow dimension of 82 feet depth does not allow an efficient double-loaded structured parking design. Requiring on-site parking would be cost prohibitive, an insurmountable obstacle for an affordable housing project, and prevent redevelopment of the site.

(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

The City's system of bike lanes, shared use paths and shared roadways through Town Center, from the point of access to the bike lane that runs along the frontage of the Property on Middle Lane, provides access to Project residents to the Metro system, goods and services throughout Town Center and along Route 355, education opportunities at Montgomery College, recreational amenities at the City Swim Center and local parks, and to regional points further north, east and west, via the Millennium Trail.

(f) For any other good cause shown.

The Project is a 100% affordable multi-family residential development that is marketable without the need for on-site parking. The requirement for the Project to incur significant cost for parking is an unreasonable obstacle to the development of affordable housing in this location where the transit-oriented site is walkable to jobs, transit, goods, and services, in contravention of Maryland's Housing Expansion and Affordability Act (HB 538), effective January 1, 2025, that restricts unreasonable requirements of local zoning codes, including limitations on or requirements concerning: (1) height; (2) setback; (3) bulk; (4) parking; (5) loading, dimensional, or area; or (6) similar requirements. Over 3400 parking spaces accessible to the public are available within two blocks in each direction. Furthermore, four handicapped parking spaces exist on the south side of the Property at the East Montgomery Avenue/ Courthouse Square/Maryland Avenue intersection, with approximately 100 ADA spaces available within 1000 ft in the publicly accessible garages across the street of both Maryland Avenue and Middle Lane and nearby in Town Square. The Project proposes three extended length on-street Maryland Avenue curbside space pick-up/drop-off spaces along the building frontage proximate to the front entrance. For good cause shown and consistent with the recommendation of the 2025 Town Center Master Plan, parking should not be required and the requested full reduction of required parking to zero be approved.

G. Stormwater Management

A preliminary stormwater management plan has been filed for the Property.

H. Forest Conservation

The existing Building has an approved Forest Conservation Plan FTP2006-0019. The updated NRIFSD reflects the eight street trees in the streetscape adjacent to the Property planted as well as numerous trees on-site planted for credit at the time of the original construction of the planned development remain in place. A forest conservation plan amendment will be submitted for the proposed land disturbance for construction of the Project and for the removal and mitigation of landscape trees.

I. Landscape and Lighting

The Project's building and amenity landscape and lighting plan will be as shown in the Site Plan submission as part of the Architectural plans. A conceptual landscape plan is included in the submission. Final site landscaping will be approved at Site Plan.

J. Publicly Accessible Art in Private Development

The 100% affordable Project is exempt from Chapter 4 of the City Code (Publicly Accessible Art in Private Development) ordinance.

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 147 dwelling units are projected to generate a total of eleven K-12 student (10.73 students) made up of 2.6 high school students, 2.4 middle school students, and 5.7 elementary school students. The PDP approved project of 117 dwelling units has APFO adequacy approval through at least November 1, 2030, subject to extension. For 117 du, the original planned development generated 4.5 elementary students, 1.82 middle school students and 2.1 high school students. The net new students generated for the increase to 147 du is estimated at 1 elementary students, 0.5 middle school students, and 0.9 high 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 either the net 1 elementary student or the projected 5.7 elementary students generated by the Project.

Julius West Middle School is projected for the test year 2028-2029 to have an 81-seat surplus and operate at 94.3% Program Capacity and therefore the school is adequate to absorb both the net 0.5 middle school students or the projected 2.4 middle school students generated by the Project.

*While Richard Montgomery 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 the new Crown HS in Fall 2027. Richard Montgomery High School is adequate to absorb either the net 0.9 high school student or the projected 2.6 high school students generated by the Project.

Based on the foregoing, the Project will be subject to Montgomery County Development Impact Tax regulations, as applicable, 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 as proposed for 147 dwelling units generates a net reduction in new peak hour trips from the existing approval of a minimum of 117 dwelling units and 11,260 sf of commercial space. Therefore, under the CTR only an on-site review would be required for the Project. The Project is part of Planned Development PDP94-001, as amended. Existing Approvals in the PD-RCI Governing Documents set forth traffic mitigation for the PDP that was satisfied in part at the initiation of the development, and to be satisfied in part at certain specified phases of development. No additional traffic mitigation is required under the PD-RCI Governing Documents for the Property/Block 4 and development of the Project. When the APFO ordinance was adopted, the PD-RCI area was grandfathered as adequate under the APFO standards until November 2030, subject to certain additional extensions per Section 25.20.04. The Gorove Slade CTR statement will provide additional information as part of the Project Plan submission.

A Comprehensive Traffic Report Traffic Statement with the limited scope set by City TTR staff has been submitted by Gorove Slade to the City that analyzes: i) Onsite transportation, ii) Curbside Management and Loading dock operations, and iii) Pedestrian Pathway study. The conclusion of Gorove Slade is that the Onsite transportation with the proposed Curbside Management and Loading Dock Operation Plan and the pedestrian pathways analysis to goods, services and transit options is adequate.

C. County Impact Tax Credit/ City Transportation Improvement Fee

The Project will be subject to applicable requirements of the Montgomery County Development Impact Tax that provides for certain exemptions for affordable housing projects. The City Transportation Improvement Fee will be paid to the extent applicable.

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.

V. ZONING ORDINANCE DEVELOPMENT COMPLIANCE

The Project substantially complies with the applicable standards and specific development standards and design regulations of the Governing PD-RCI Documents and the equivalent MXTD zone, subject to the modifications, reductions, and waivers requested as part of this Application.

1. Development Standards PD-RCI

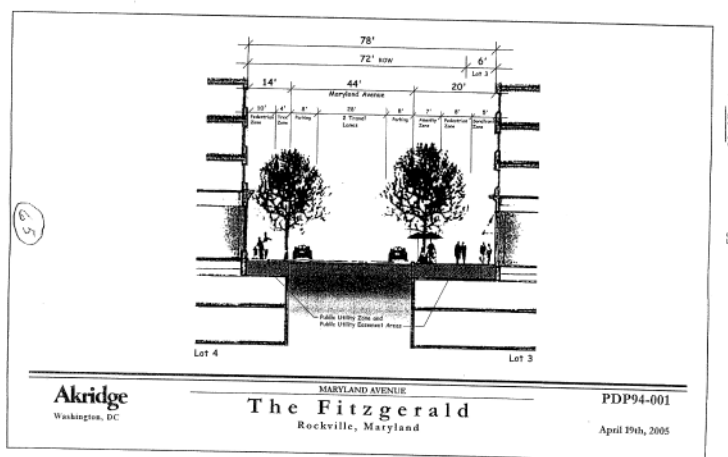
- a. **Street and Streetscape.** The Property met all of the Development Standards in the Governance Documents of PD-RCI at the time of construction with sidewalks and streetscape that conformed to the road sections in the PD-RCI Governing Documents. No changes to the pedestrian path of the sidewalks are proposed. However, drop-off spaces are proposed, as well as an extended pedestrian intersection crossing peninsula along Maryland Avenue at Middle Lane that will update the street section.

Excerpt from 1994 PDP94-001:

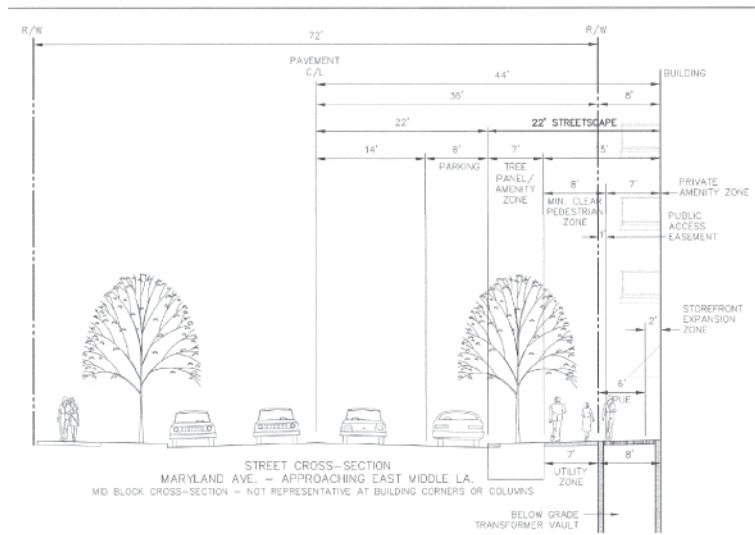
C. Monroe Street and Maryland Avenue north of Montgomery Avenue

The street width will be 44'0" curb to curb. The roadways will include a 8'0" parking lane on each side of the street and one 14'0" travel lane in each direction. In addition, a 14'0" sidewalk will be located on each side of the street. Parking shall be allowed wherever possible, but shall not interfere with building, loading and parking entrances or required turn lanes onto Middle Lane. The sidewalks shall be paved in a similar design to Montgomery Avenue (see accompanying drawing). This shall include a 4'0" band of rougher paving such as cobble stone along the curb which delineated the zone for street furniture and street trees. 4'0" by 6'0" planting beds will be maintained around the street trees on cross streets, tree grates will not be used in these location. The parking and travel lanes on the cross streets will be paved using asphalt, specified to City standards. Street markings for center lines and parking stalls shall be marked using standard City specification.

Updated Street Section from 2005 PDP94-001E:



Updated Street Section 2012 STP2012-00105 amended for 44 Maryland Ave/Block 3:



The Maryland Avenue street section has been further amended per City staff requests along the frontage of the Project. See Project Plan site plan for details.

- b. **Massing and Height.** The Application requests a modification to the massing diagram for Block 4 that indicates the maximum height of the building on the Property to be 100 feet over the 448-foot elevation. The 448' elevation is generally the elevated Promenade Park connected to the pedestrian overpass to the Rockville Metro Station, which was a key elevation at the time of original approvals in 1994. The original PDP allowed heights up to 235 feet above the 448' elevation within the PDP area.

The proposed amendment requests flexibility for final engineering and design of the Project to allow a final choice of the most cost effective structural system for the building at the time of construction, to respond to a variable and future unknown construction cost market, with an increase of **twenty-feet** in maximum height to **120 feet over the 448' elevation** to accommodate changes in current floor-to-floor standards compared to 1994 design standards and dimensional requirements of optional construction structural systems.

For reference, the Base Height Measuring Point (BHMP) under the zoning ordinance is the elevation of the approved street grade at the middle of the front of the building. The BHMP for the middle of the front of the 41 Maryland Avenue building is the 430.75 foot elevation. Therefore, the request for 120 feet over the 448' elevation is equivalent to a building height of 137.25 feet.

Applicant believes that this modification to massing for maximum height is within the range of development standards for height up to 235 feet over the 448' elevation set within the Governing Documents and remains within the discretion of the Mayor & Council to adjust for this site.

Request to Waive Equivalent Zone Standards for Increased Height Request

A request to waive under 25.14.07.d.3.a.iii the equivalent zone standard of the MXTD zone of 120 foot height from street grade is justified because: i) the current MXTD zone height is actually lower than the PD-RCI approved height and neither relevant nor compatible; ii) the requested height is compatible with other heights within the 5-block PD-RCI planned development, iii) the requested height is within the recommended maximum height in the recently adopted Master Plan for this site, iv) the requested height is within the recommended maximum heights in the recently adopted interim floating zone under the equivalent MXTD zone, v) the requested height is within the anticipated zoning code re-write to be adopted in 2026 anticipated to conform with the 200-foot height recommendations of the Town Center Master Plan and the interim floating zone; vi) that the requested height of Project is less than the maximum height with the affordable housing bonus height under the interim floating zone and the anticipated zoning code re-write; and other good cause.

Text Amendment TXT2025-00269 became effective on April 3, 2025 to implement the recommendations of the 2025 Rockville Town Center Master Plan for changes to the MXTD zone development standards under an interim floating zone until the zoning ordinance is comprehensively amended. Pursuant to amended Section 25.14.35 under TXT2025-00269, the maximum building height for properties within the Core Character Area Floating Zone is 200 feet to the highest point of the flat roof from the approved street grade opposite the middle of the front of the building (Maryland Avenue), with an additional 100 feet of height allowed for residential developments with 20% or more affordable housing. While this Project is not proceeding under the Interim Floating Zone, the text amendment is indicative of the appropriate allowable heights for the Property.

The proposed increase by twenty feet from 100 feet to 120 feet over the 448' elevation (equates to an estimated height from the approved street grade opposite the middle of the front of the building on Maryland Avenue to the roof of 137.25 feet) is significantly below the maximum 300 foot height in the Town Center Core Character Area Floating Zone for its equivalent MXTD zone and anticipated under the zoning code re-write.

Waiver Finding of Good Cause

Pursuant to 25.14.07.d.4, one or more of the designated equivalent zone standards may be waived upon a finding that the Applicant has shown good cause as to why the development standard should not apply to any portion of the planned development project. In determining whether the burden of establishing good cause has been met, the Approving Authority must consider the following:

- (a) Whether the development standard of the equivalent zone is compatible with the completed portions of the planned development;

The current allowable or built heights (all heights cited are over the 448' elevation) under the PD-RCI planned development range from this site at 100 feet, to BLVD 44 at 212 feet, to BLVD Ansel at 235 feet, to 255 Rockville Pike at 217 feet, with the Regal Row Retail Pavilion at 40 feet. The requested amendment raises the allowable height for the subject site by 20 feet to 120 feet over the 448' elevation compatible with the other blocks in the planned development.

The designated equivalent MXTD height standard currently has two standards – one of 120 feet above applicable grade under the current zoning ordinance which is lower than approved under PD-RCI and a second under the interim Core Character Area Floating Zone of 200 feet above applicable grade with a permitted 300 feet above applicable grade for affordable housing such as the proposed Project to implement the recommendations in the Town Center Master Plan.

Applicant has not requested a rezoning to the Floating Zone due to the comprehensive planned development nature of the five blocks under the PD-RCI zone, whose governing documents include many other development standards not addressed in the Floating Zone or equivalent MXTD zone.

- (b) Whether applying the development standard of the equivalent zone is consistent with good planning and design principles;

The MXTD zone development standards under the current zoning ordinance are undergoing the process for review and adoption of a significant revision increasing the allowable heights to conform to the recommendations under the Town Center Master Plan for the Core Character area, which the Mayor and Council have already adopted under the interim Floating Zone for the Core Character Area. Therefore, the current zoning code MXTD development standard for height is no longer consistent with good planning and design principles recommended under the Town Center Master Plan and implemented on an interim basis by the Mayor & Council by TXT2025-00269.

- (c) Whether applying the development standard of the equivalent zone is reasonable and practically feasible. The cost of applying the standard may, but does not necessarily, demonstrate that applying the development standards of the equivalent zone is reasonable or practically feasible; and

In the instant case where the Master Plan recommends increasing the number of dwelling units on the property and the existing approval under PD-RCI is for a minimum 117 within a height of 100' over the 448' elevations, it is neither reasonable nor practically feasible to increase the number of units and then apply the lower height of the equivalent zone. Particularly when the height standard of the equivalent zone for the site has been recommended for

significantly more height in the 2025 adopted Town Center Master Plan and interim Floating Zone zoning text amendment.

(d) *Such other factor as the Approving Authority reasonably deems appropriate.*

The additional height has been requested by Applicant to allow flexibility in the final selection of construction method (concrete versus steel construction) which have different floor-to-floor requirements, later in the process at the time of permitting, when comparable construction costs can be better determined, and the most fiscally responsible construction method selected in order to support the financing, construction and delivery of affordable housing units.

- c. **Density/Dwelling Units.** The Application requests an update to the Land Use Plan under the Governing Documents that require a **minimum** of 117 dwelling units, to confirm the maximum number of residential dwelling units in the Project at up to 147 dwelling units. This increase is in substantial compliance with the 2025 Rockville Town Center Master Plan recommendation for the Property, encouraging an increase the number of dwelling units on the Property. The Applicant is not proposing commercial space in the Project at this time.
- d. **Parking.** The PD-RCI Governing Documents did not set a required number of parking spaces, but rather provided for parking calculations per City Code, including any reductions for shared parking and other provisions of the parking chapter. The code required parking for the blocks in PD-RCI has evolved over time by project approval with previous reductions granted and zoning ordinance revisions to code required parking standards. Therefore, the requested parking reduction to zero onsite and required parking per the Chapter 16 Parking section will be consistent with the PD-RCI Governing Documents. The approval of Flexible Parking Standards to reduce the required parking for the Project to zero: i) meets the criteria for approval in 25.16.03.h.3 as justified below and supported in the Gorove Slade Parking Memo, ii) is consistent with the specific recommendations of the 2025 Rockville Town Center Master Plan for the Property, and iii) is consistent with the Core Character Area Floating Zone to the MXTD equivalent zone which provides for a parking standard of “no minimum parking”. The Project location also satisfies (and exceeds) the requirement for the minimum number of accessible parking spaces within 1000’.

At Application, the overall parking within the PD-RCI area is at a surplus at peak parking demand periods and all other periods. See PDP Parking Table attached.

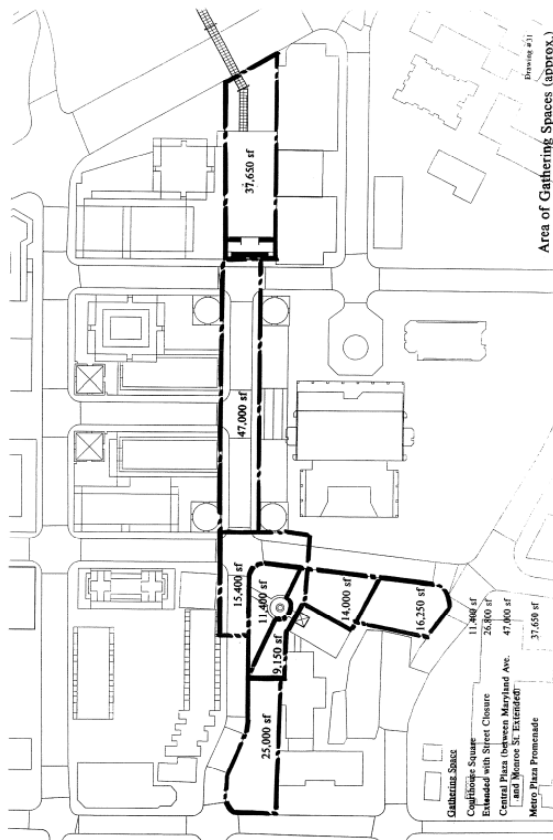
2. Additional Design Guidelines for Mixed Use Zones

The Project is in substantial conformance with the intent and purpose of the equivalent MXTD zone to the extent applicable as the PDP Governing Documents address necessary development standards as may be amended by the Mayor & Council (and as the MXTD zone is amended effective April 3, 2025 under the CCA-FZ). Conformance with certain MXTD

development standards and the applicable Additional Guidelines for Mixed Use Zones in Section 25.13.06 are addressed as follows:

a. MXTD Development Standards.

The Project is in substantial compliance with the Open Space and Public Use Space requirements as the PDP Area delivered significant open spaces and public use spaces upfront in the late 1990s under regulations and approvals at that time when the old Rockville Mall was redeveloped. This allowed the creation of significant consolidated open space and public use spaces, in lieu of small areas by block, through dedication, easements, and construction/installation as shown on the following gathering space exhibit from the PD-RCI Governing Documents.



b. Per Section 25.13.06 , the following addresses certain of the additional development standards generally for Mixed-Use zones:

- i. 25.13.06.b.1.a 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 façade along all sides of the building facing public streets.

The Project proposes an articulated building façade with a defined base, middle and top. Generous window walls at grade, 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 building activity centers. The middle section and top section of the building proposes projections, recessions, and color and material changes to reduce the massing of the façade along Maryland Avenue and Middle Lane.

- ii. 25.13.06.b.1.b 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 lobby and activity center frontages include generous window walls and repetitive glass fronts to active resident spaces. All four sides of the building have similar architectural treatment reflecting finished facades. Projecting balconies are provided on the west side of the building only in the area parallel to the Victoria courtyard and not directly confronting Victoria condominium residential windows at the request of the Victoria Condominium residents to extend the building-to-building/unit to unit separation at the higher floors above the height of the Victoria Condominium garage wall on the common property line.

- 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 corner lobby entrance at Middle Lane/Maryland Avenue and continuous building activity centers along each of those facades enrich the visual interest and pedestrian experiences on the sidewalks. The building has a strong base, articulated middle, and building top enhanced with color, building material and texture changes, wall offsets and reveals, projecting balconies, and vertical window patterns, to break-up the massing of the building wall. To accommodate the narrow site and maximize the building to building separation to the Victoria Condominium on the west side, the building façade along the public streets rises to the full height but with strong horizontal delineation of

the building base, middle and top, with articulated cornices and building material and color changes.

iv. 25.13.06.6.2. Roofs. Roof design should provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls should be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.

The Project proposes a strong building roofline that complements the visual character of other buildings within the PDP area. The parapet wall appears to be part of the building wall with the same architectural treatment, to screen roof-top equipment. Final design of the roof will be reviewed at Site Plan.

v. 25.13.06.b.3 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 proposes residential building materials of brick, cementitious plank siding, extensive glazing and metal trim in standard urban colors and trims compatible with the building architecture and the overall tapestry of buildings within Town Center.

vi. 25.13.06.c.7 Delivery and loading spaces, hours of operation. (a) Design. Delivery and loading operations must be designed in accordance with the provisions of [article 16](#) and located so as to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, ... If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.

The Project proposes a high-ceiling one-story enclosed loading dock building with doors at the south end of the building with driveway access to Maryland Avenue. This is intended to mitigate visual and noise impacts to the adjoining mixed-use neighborhood, and nearby residential and office uses.

Additional Design Guidelines for Mixed Use Zones

The Project is consistent with the intent and purpose of the applicable Additional Guideline for the equivalent Mixed Use Transit District Zone in Section 25.13.07 as follows:

3. 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 Project ground floor proposes a high ceiling height of greater than 15 feet with expansive glazing to be occupied by the main lobby/gathering space as well as resident amenity and activity areas along both Maryland Avenue and Middle Lane, the main pedestrian spine through Town Center. The Building otherwise contains only residential uses. Part of the Maryland Avenue frontage contains residential units as recommended in the Town Center Master Plan. This is reflected in TXT2025-00269 for the applicable Interim Floating Zone for the MXTD zone and anticipated to be adopted within the zoning code re-write.

Additional Guidelines for Core Character Area of Town Center under the Master Plan as reflected in the Interim Floating Zone

This section addresses additional guidelines per Section 25.14.35.g for development within the Core Character Area of the 2025 Rockville Town Center Master Plan, that are not binding since the Project is not proceeding under the Floating Zone but is anticipated to be indicative of what will be included in the zoning code re-write.

g. Aesthetic standards. Any development within an interim comprehensive plan floating zone must comply with the following aesthetic standards:

1. Façades and massing.

(a) Buildings shall be designed in a way that avoids massive scale and uniform and impersonal appearance and provides visual interest consistent with the community's identity, character, and scale. Building design shall provide attractive, well-proportioned orientation to the public realm of streets, plazas, and parks. Building walls greater than one hundred (100) feet long must include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the façade along all sides of the building facing public streets.

The Project has been designed with high quality design and materials to integrate into the tapestry of building built over time as Town Center has evolved. The building is oriented with its entrance at the key gateway corner of Middle Lane at Maryland Avenue with large expanses of ground level glazing to engage the public realm and pedestrian at sidewalk level along a main pedestrian spine. The design is articulated with projections, recessions and material and color changes to reduce the massing of the façade.

(b) Any façade facing a public street must 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 façade 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 building is designed with similar architectural treatment on all four sides. The building engages Middle Lane and Maryland Avenue with windows along each façade as well as a canopy to define the entrance at the key corner.

(c) Buildings must 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 building has a strong articulated building base with a well-defined entrance lobby to engage the public realm at the pedestrian level. Each façade is articulated with recesses, projections, color, and material changes to reduce the perception of the massing of the building.

2. Roofs. Roof design must provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls must be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.

The parapet wall is integrated into the building utilizing the same architectural treatment of the top section of the building which varies in color, texture, material, and height. Roof top sustainable design will be addressed at site plan.

3. Entryways. Commercial building design must include design elements which clearly indicate to customers where the entrances are located, and which add aesthetically pleasing character to buildings by providing highly visible customer entrances.

The Project lobby entrance is at the key intersection building corner of Middle Lane at Maryland Avenue with generous views into the lobby and an architectural canopy to draw people to a welcoming front entrance.

h. Public benefits. 1. Any development approved within an interim comprehensive plan floating zone must provide public benefits that enhance or contribute to the objectives of the Plan and that are proportionate to the scale of the proposed development. Public benefits may include, but are not limited to, providing Moderately Priced Dwelling Units (MPDUs) or public use space above the minimum required, streetscape improvements, wayfinding, and environmental building efficiency standards or other benefits that exceed code requirements.

The Project proposes a 100% affordable residential development for a broad range of qualified household incomes under federal and local affordable housing programs, with a range of unit sizes up to 3-bedrooms, in a transit-oriented, walkable location, providing critical housing options to Rockville households.

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 replaces an inactive existing surface parking lot.

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 affordable 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 PD-RCI that delivered Courthouse Square Park and the Promenade Park, as well as incorporated the street design for East Montgomery Avenue between Maryland Avenue and Monroe Street to facilitate East Montgomery Avenue closures for City community events, such as Hometown Holidays, 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 a positive impact on the environment. It is replacing an asphalt surface parking lot with a development that conforms to current standards of stormwater management and sustainable building design.

- 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 develop an underutilized surface parking lot to provide an affordable housing asset adding residents to patronize existing businesses and talent to the employment pool in the Town Center Core Area.

- 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 147 units of affordable housing to the housing options available in Rockville Town Center, providing qualified households of a broad range of income levels and household sizes an opportunity to live at a transit-oriented location with jobs, goods and services within walking distance.

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 a proposed residential building that activates the sidewalk with a corner lobby and resident activity centers along Maryland Avenue and Middle Lane, and delivers additional residents to support the vitality of the existing retail in adjacent buildings and the Town Square business district.

B. 2025 Rockville Town Center Master Plan - 2040 Amendment

An Amendment to the 2021 Comprehensive Plan (2040 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 the recommendations for the Property 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 147 new dwelling units to help the City reach its goal, ranging from studios to three bedrooms, and provides a new housing choice for income qualified households many of which may elect not to own a car yet desire affordable and convenient urban living, in a location with a high Walk Score to transit, goods, and services.

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 an underutilized surface parking lot with 100% affordable dwelling units for residents and their families adding to the neighborhood character of transit-oriented living for all 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 expands 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 completing Middle Lane and Maryland Avenue frontages with an active development and new residents. The Project supports the vitality of pedestrian connections to Town Square in the adjacent blocks north, east, and west.

Town Center Plan Focus Areas

The Property is identified as a “Focus Area” of the Town Center Master Plan.

41 Maryland Avenue. Encourage residential development of at least 100 units. If the existing, approved planned development for the parcel is modified, encourage the development of even more residential units on site. Ground floor retail should not be required. Any on-site parking requirements should be waived due to the site's limited size, prime Town Center location, nearby structured parking options, and transit access".

The Project proposes an increase in the number of dwelling units from 117 to 147 affordable housing units, no commercial space, and no parking consistent with the Master Plan recommendations.

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 will add studios through three-bedroom affordable dwelling units to Town Center. The Project will expand the affordable housing choice for a greater variety of household sizes and broader range of qualified income levels.

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 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 an underutilized surface parking lot and fulfill its original 1994 entitlements for residential on the Property. The Project

will add 147 affordable dwelling units to Town Center, adding a new housing choice to a broad range of income qualified households as well as new residents to support the surrounding business district. The addition of residential use will not affect the health or safety of persons in the neighborhood but will add to the vision of Town Center being a neighborhood of transit-oriented living. Overall, the Project will add to the visual vitality of Town Center by completing the final block of the original PD-RCI.

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 enhance the vitality of Rockville Town Center by providing the opportunity for a broad range of household sizes and qualified household incomes to live in a transit-oriented building with a Walk Score of 92 with convenient access to goods and services, especially to households who wish not to be burdened with car ownership.

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

The Project is located within the Core Character Area within the commercial retail, restaurant and cultural district of Town Center and within walking distance of three-blocks to transit of the WMATA Rockville Redline Station, hard rail train service, and Montgomery County bus service along Hungerford Drive. It is proximate to 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 affordable housing choice including larger 2-bedroom and 3-bedroom units, perfect for qualified income families, individual, and empty-nester households who

want to live in a Town Center location walkable to goods, services and entertainment, as well as abundant transit options.

- 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 by developing an underutilized surface parking lot into a new residential community.

VIII. COMMUNITY OUTREACH

The City hosted a virtual Pre-Application Meeting community meeting at which the Applicant presented its proposed Project via WEBEX on January 21, 2025. 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 Property on all frontages. The meeting was attended by a range of interested parties from Town Center multi-family buildings and nearby neighborhoods. 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 follow-up meeting for the Victoria Condominium residents was held by the Applicant and attended by a City representative at the Victoria on February 13, 2025 at that community's request. Notes of the meeting have been filed in the PAM record.

A Post-Application Community Meeting was conducted in accordance with the Zoning Ordinance. Signs were posted. Mailed notice of televised briefings on the Project were provided for the Planning Commission and the Mayor and Council sessions. Notice of future public hearings and meetings will be provided, and the signs updated, in accordance with the Zoning Ordinance.

IX. CONCLUSION

As demonstrated by the Statement of Justification, the Project Plan submission, and Application, the Project is consistent with the intent and purpose of the PD-RCI Governing Documents, substantially complies with all applicable requirements 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, the Town Center Master Plan, and the strategic goals of the Mayor and Council, to increase affordable housing, 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.

The Waivers and requested modification to the BLVD 44 MPDU Covenant are justified to support the required findings for approval.

For all these reasons, the Project Plan Application PJT2025-00023 with the requested waivers, WAV2025-00025 and WAV2025-00026, and modification of the BLVD 44 MPDU Declaration of Covenants should be approved. Applicants respectfully request approval to permit this Project to proceed as proposed.

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

Attachment A
Prior relevant PDP Approval Excerpts



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364

Community Development
(301) 309-3200
TDD (301) 309-3187
FAX (301) 762-7153

Economic Development
(301) 309-3240

Inspection Services
(301) 309-3250

Planning Division
(301) 309-3200

April 28, 1994

Mr. Mark Troen, Vice President
Rockville Center, Incorporated
250 Hungerford Drive, Suite 195
Rockville, MD 20850

Dear Mr. Troen:

Re: Preliminary Development Plan Application PDP94-0001- Rockville Center, Incorporated

At its meeting of April 27, 1994, the Rockville Planning Commission reviewed and conditionally approved the above referenced application for redevelopment of the former Rockville Mall area. Approval includes the following elements:

(1) Development parcels, road locations, and road right-of-way widths as shown on the "Concept Preliminary Plan" dated April 8, 1994 in the application file;

(2) Building uses and sizes as follows:

BLOCK	USE	GROSS FLOOR AREA (SQ.FT.)
1	Office	459,675
	Retail	<u>34,150</u>
		493,825
2	Office	480,375
	Retail	<u>27,525</u>
		507,900
3	Office	334,575
	Retail	27,750
	Theater	<u>43,000</u>
		405,325
4	Residential	min. 117 units
	Retail	<u>11,260</u>
		11,260
5	Retail	48,312
TOTAL FOR PLAN		<u>1,466,622</u> (sq. ft.)

MAYOR
James F. Coyle

COUNCIL
Robert E. Dorsey
Rose G. Krasnow
James T. Marrinan
Nina A. Weisbroth

CITY MANAGER
Bruce Romer

CITY CLERK
Paula S. Jewell

CITY ATTORNEY
Paul T. Glasgow

Excerpt from PDP94-001E Amendment:

Resolution No. 10-05

RESOLUTION:

To approve, with conditions,
Amendment to Preliminary
Development Plan
Application No. PDP1994-
0001E, Rockville
Renaissance West, Applicant

C. LAND USES AND DENSITIES BY BLOCK.

The Amended Allowable Uses and densities by block are:

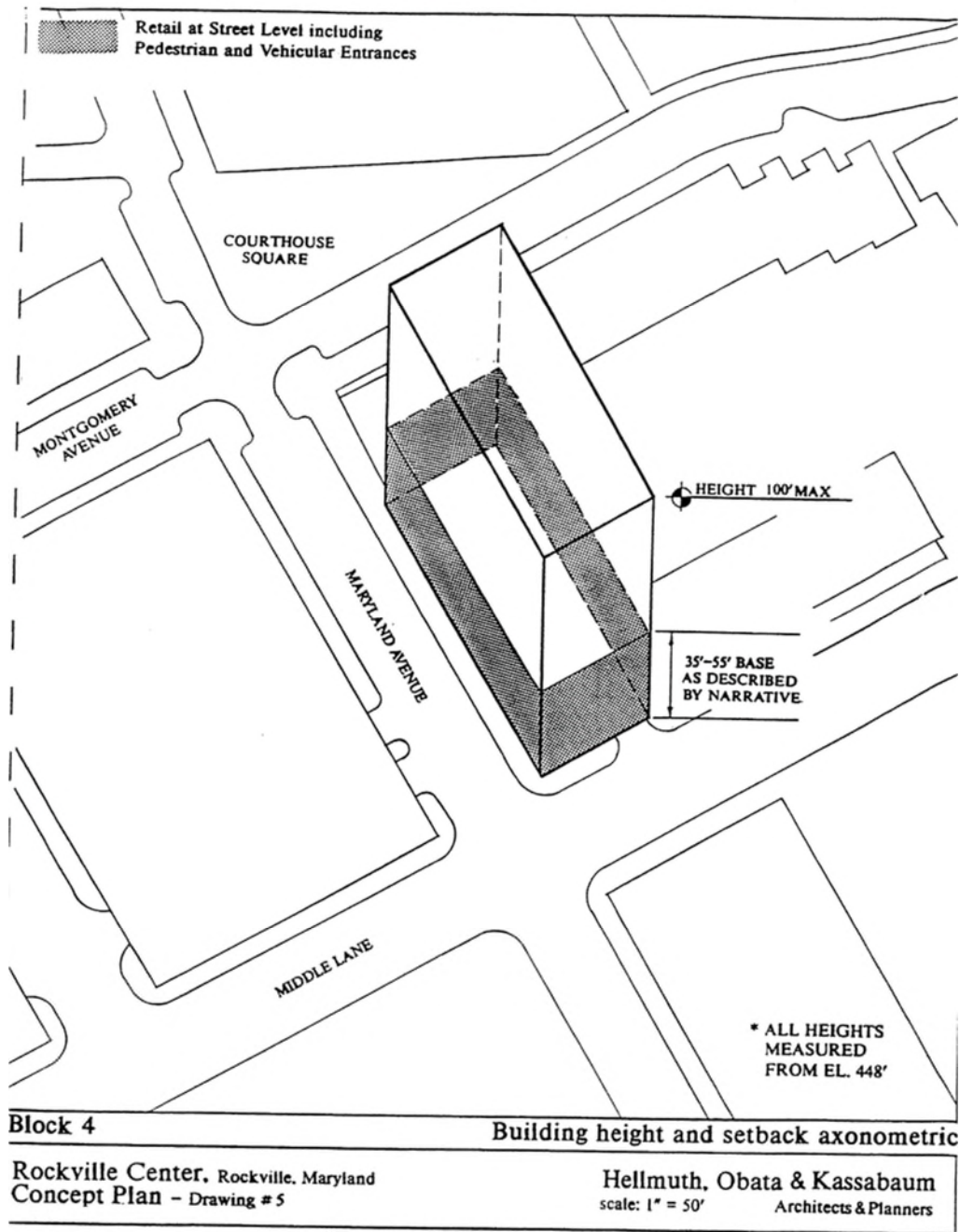
Block	Land Uses	Prior Approved Gross Floor Area	Approved Gross Floor Area/DU
1	Office	394,261 SF	394,261 SF
2-F	Retail / Restaurant	36,700 SF	36,700 SF
	Subtotal	430,961 SF	430,961 SF
2	Office	480,375 SF	
2-K	Residential		255 DU**
	Retail (Restaurant)	32,025 SF	17,000 SF
	Subtotal	507,900 SF	255 DU/17,000 SF
3	Office	362,875 SF	
2-J	Residential		230 DU**
	Retail/ Restaurant	36,750 SF	23,000 SF
	Subtotal	405,325 SF	230 DU/23,000 SF
4	Residential	117 DU (min)	117 DU (min)
2-H	Retail	11,260 SF	11,260 SF
	Subtotal	117 DU/ 11,260 SF	117 DU/ 11,260 SF
5	Retail /Restaurant	19,306 SF	19,306 SF
2-G	Office	25,700 SF	25,700 SF ***
	Theatre	67,370 SF	67,370 SF
	Subtotal	112,376 SF	112,376 SF
Total	Office	1,263,321 SF	419,961 SF
1-5	Retail	137,241 SF	107,266 SF
	Theatre	67,370 SF	67,370 SF
	Residential	117 DU	602 DU
	Hotel *		

** Total aggregate number of approved DU for Parcel 2-K Lot 2 and Parcel 2-J Lot 3 is 485 DU. Units can be shifted between Parcel 2-J Lot 3 and Parcel 2-K Lot 2 so long as the total number does not exceed the total aggregate number of DU approved for Parcel 2-J Lot 3 and Parcel 2-K Lot 2 and can be constructed within approved heights.

***By City administrative approval, retail space was converted to office on Parcel 2-G Lot 5 resulting in the total allowable PDP office square footage on Parcel 2-G Lot 5 of 25,844 square feet. The permitted use for such converted space under the PDP is either office or retail without further amendment of the PDP.

* A Hotel is an allowable use in addition to the other allowable uses on any of the Preliminary Development Plan lots. The PDP retains additional traffic capacity over and above the other allowable uses for a Hotel use within the Preliminary Development Plan area of: 100 am peak hour trips and 100 pm peak hour trips.

Massing under PDP94-001:



PDP-RCI AREA Parking

Time of Day Calculation All Existing PDP Uses + Comstock BLVD Lofts Project (Pre-41 MD Project)

Use	Base	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Nighttime
Office	333	333	35	35	21	21
Retail	11	13	22	48	24	3
Restaurants	305	153	305	305	305	31
Theatre	383	153	383	307	383	38
51 Monroe St.	138	138	138	14	7	7
Deli	1	1	1	1	1	0
Hotel	38	27	38	27	38	27
Residential	546	328	492	437	492	546
Institutional	50	25	50	50	15	3
Total Pkg Required		1171	1464	1224	1286	676
Total PDP Parking Provided		1667	1667	1667	1667	1667
Surplus Parking		+496	+203	+443	+381	+991

Highest Parking Required at Weekday Evening totaling 1464 spaces within the PDP; 1667 spaces provided within the PDP; 203 Surplus Spaces at Peak Parking Demand Period within PDP upon completion BLVD Lofts Project Bldg 2; 991 Surplus Spaces Nighttime Period within PDP.

The foregoing parking calculations do not include on-street parking spaces on East Montgomery Avenue, Maryland Avenue, Monroe Street or Helen Heneghan Way within PD-RCI Area that provide additional convenient short term parking spaces to the general public doing business within the PDP and town center. Within two blocks of the PD-RCI Area, there are approx. 2000 additional parking spaces in garages and lots open to the general public.