



Application for

# Time Extension

**EXT**  
2/09

## City of Rockville

*Department of Community Planning and Development Services*

111 Maryland Avenue, Rockville, Maryland 20850

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

**Please Print Clearly or Type**

Property Address Information 520, 530, and 540 Gaither RoadProperty Name Redland Corporate CenterProject Description Multi-phase approval for additions to existing office park development, including an amenity caféin Phase 1 (constructed), and two future office buildings in Phases 2 and 3, respectively.SUBDIVISION Redland Tech Center Lot (S) Land Units 1, 2, and 3 Block Zoning MXE Tax Account (S) 04-03370002 , 04-03370013 , 04-03370024

### Applicant Information:

*Please supply Name, Address, Phone Number and E-mail Address*
Applicant FP 540 Gaither, LLC, and FP Redland Technology Center LP Attn: Jesse Abair255 Washington St, Newton, MA 02458 Ph: (617) 678-7466 Email: JABAIR@rmrgroup.comProperty Owner FP 540 Gaither, LLC, and FP Redland Technology Center LP Attn: Jesse Abair255 Washington St, Newton, MA 02458 Ph: (617) 678-7466 Email: JABAIR@rmrgroup.comArchitect N/AEngineer N/AAttorney Christopher M. Ruhlen, Lerch, Early & Brewer, 7600 Wisconsin Ave., Suite 700, Bethesda, MD 20814Ph: 301-841-3834; Email: cmruhlen@lercheearly.com

### STAFF USE ONLY

#### Application Acceptance:

Application # EXT2025-00003Pre-Application Date Accepted Staff Contact 

OR

#### Application Intake:

Date Received December 6, 2024Reviewed by Fee: \$308.00Date of Checklist Review Deemed Complete: Yes ☐ No ☐

ORIGINAL APPLICATION NUMBER STP2016-00283

ORIGINAL APPLICATION APPROVAL DATE 11 / 28 / 2016 Amended May 24, 2019

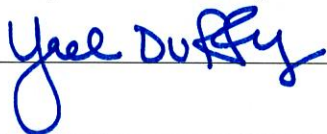
DATE OF ANY PREVIOUS TIME EXTENSIONS GRANTED (IF ANY) N/A /        /       

A TIME EXTENSION IS NECESSARY FOR THE FOLLOWING REASON (S) See attached letter for information.

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

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

Please sign here:



Yael Duffy, its President & Chief Operating Officer

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**Application Checklist:**

☒ Complete Application

☒ Filing Fee

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**Comments on Submittal: (For Staff Use Only)**

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7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • [lerchearly.com](http://lerchearly.com)

**Christopher M. Ruhlen**  
*Attorney*  
301-841-3834  
[cmruhlen@lerchearly.com](mailto:cmruhlen@lerchearly.com)

November 26, 2024

**VIA ELECTRONIC MAIL** ([cpds@rockvillemd.gov](mailto:cpds@rockvillemd.gov))

Community Planning and Development Services  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850  
Attn: Mr. R. James Wasilak, Chief of Zoning

RE: Request for Extension of Implementation Period for Redland Technology Center Phases II & III, Site Plan Application STP2016-00283 (the "Site Plan")

Dear Mr. Wasilak,

Our firm represents FP Redland Technology Center LP and FP 540 Gaither LLC (together, the "Applicant") in connection with its property at the Redland Technology Center, located at 520, 530, and 540 Gaither Road in Rockville, Maryland (the "Property"). On behalf of the Applicant, we respectfully submit this request to extend the implementation period of the above-referenced Site Plan for an additional twelve (12) months, or until November 28, 2025 (the "Extension").

The City of Rockville Planning Commission ("Planning Commission") approved the Site Plan on October 19, 2016, and later amended it on May 8, 2019 to incorporate certain design revisions required under its initial approval.<sup>1</sup> As amended, the Site Plan allows three additional phases of development to be added to an existing office park on the premises. The first phase of the approved multi-phase development ("Phase I") includes a café pavilion, landscaping, and various site improvements that were constructed on the Property several years ago. The second and third phases of development ("Phases II and III") include two Class "A" office buildings of up to 300,000 square feet in total, with structured and surface parking provided on the existing surface parking areas in accordance with an approved parking waiver.

Pursuant to the Site Plan, the future office buildings and structured and surface parking spaces that are to be constructed in Phases II and III are intended to proceed as market conditions permit. However, the pandemic and its related effects on the commercial office market introduced certain logistical challenges with respect to securing tenants for the future phase buildings and implementing the Site Plan. While efforts to identify and secure potential tenants for the Property are ongoing at the present time, each of the future phase buildings remains to be constructed.

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<sup>1</sup> More specifically, the Planning Commission amended the Site Plan to incorporate upper story setbacks at the 11<sup>th</sup> floors into the designs of the approved future phase buildings to be constructed on the Property.  
6496196.1

Should the Applicant succeed in its efforts to secure tenants, the City will require the Applicant to submit, process, and obtain approval for building and other related permits prior to beginning any construction. Given that the Site Plan will expire on November 28, 2024, it will not be possible for the Applicant to submit such building permit applications to the City for a timely approval. As such, the Applicant is requesting this Extension under applicable provisions of the City's Zoning Ordinance ("Zoning Ordinance") and the terms of the Site Plan approval, as described below.

This letter addresses the applicable criteria of the Zoning Ordinance for the Extension in detail below and otherwise serves to satisfy the City's requirements for the submission of an implementation period extension request for a multi-phase or multi-building Site Plan.

### **I. Authority for Extension of Site Plan Implementation Period**

The Zoning Ordinance authorizes the Planning Commission to extend the implementation period of its prior approval of a multi-phase or multi-building site plan. More specifically, Section 25.07.06.c of the Zoning Ordinance provides as follows:

- c. Multi-phase or multi-building site plan approval. All phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval unless another time frame is provided by this chapter or by the terms of approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the date of the site plan approval or within such other time frame provided by this chapter or by the terms of approval. Unless otherwise specifically provided by the terms of approval, no extension may be granted from the implementation period set forth in this subsection c.*

In this case, the terms of the Planning Commission's prior approval specifically provide for the potential extension of the Site Plan's implementation period. The City's corrected approval letter for the Site Plan, dated November 28, 2016 (the "Corrected Approval Letter," attached as Exhibit A), states as follows:

*Be advised that Section 25.07.06.c of the Ordinance states that, all phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the date of approval or the permit will expire. Section 25.07.06 of the Zoning Ordinance requires that the construction must commence pursuant to a validly issued building permit within two (2) years of the effective date of the Planning Commission approval. However, the Planning Commission may for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior approval subject to the provisions of Section 25.05.08 "Extension of Implementation Period."*

The Applicant acknowledges that the duration of time that will be necessary to secure tenants and permits for the future phase buildings is unknown. Thus, for purposes of efficiency, this Extension seeks the Planning Commission's approval for both extensions permitted under the terms of the prior approval, for a cumulative extension of twelve (12) months (*i.e.*, until November 28, 2025).

## **II. Basis for Approval**

For the Planning Commission to approve an extension to the implementation period of an approved Site Plan for a multi-phase or multi-building project, an applicant must demonstrate that the request satisfies certain criteria set forth in Section 25.05.08 of the Zoning Ordinance. The subject Extension satisfies each of these criteria as follows:

- a. In order to avoid expiration of the development approval, the implementation period may be extended only when all of the following conditions exist:*
  - 1. The provisions of this chapter expressly allow the extension;*
  - 2. An extension request is filed prior to the expiration of the approval; and*
  - 3. The extension request is in writing and includes justification.*

As described in Section I of this letter, the applicable Zoning Ordinance provisions and the terms of the Planning Commission's approval for the Site Plan expressly allow for the requested Extension. Furthermore, this Extension request is being filed prior to the Site Plan approval's expiration on November 28, 2024, and has been submitted in writing with the requisite justification. Thus, the requested Extension application satisfies each of the provisions of Section 25.05.08.a above.

- b. Unless otherwise provided, authority to grant extensions of time shall rest with the Approving Authority that granted the original approval being extended.*

The Planning Commission has authority to approve the requested Extension, as the applicable approving authority for the original Site Plan.

- c. Extensions may be granted only upon good cause. In determining whether good cause has been shown, the Approving Authority must consider:*
  - 1. The actions taken by the applicant to diligently pursue implementation of the approval, including but not limited to execution of required documents and pursuing other required approvals;*
  - 2. Whether the approved development complies with all the current provisions of this chapter and other applicable laws and with the current plan recommendations; and*
  - 3. Such other factors deemed to be relevant.*

The Extension satisfies the criteria of Section 25.05.08.c, which require the Applicant to demonstrate good cause for the approval of an extension to the implementation period of an

approved Site Plan. With respect to Section 25.05.08.c.1, the Applicant has diligently pursued implementation of the Site Plan approval to date. The Applicant's completion of the approved Phase I construction is evidence of its diligence, as is the processing and completion of the 2019 Site Plan amendment (which the conditions of the Planning Commission's 2016 approval required before the submission of any building permit applications for Phases II and III).

With respect to Section 25.05.08.c.2, the approved development continues to comply with the current provisions of the Zoning Ordinance, and the Extension does not propose any changes in this regard. The Site Plan also continues to conform with applicable master plan recommendations, including the current recommendations of the Rockville 2040 Comprehensive Plan (the "Comprehensive Plan"). The Comprehensive Plan recommends office development on the Property.

As noted above, the delay in implementing the Site Plan for the future phase buildings results solely from the challenges presented from the pandemic and its associated effects on the commercial office market, circumstances which are beyond the Applicant's control. Extending the implementation period of the Site Plan provides the Applicant with additional time to address these extenuating circumstances. Should the Planning Commission approve the Extension, the Applicant will be able to continue its efforts to secure tenants and obtain permits for the future phase buildings under the approved Site Plan, in accordance with the City's objectives for the Property.

- d. An extension of the implementation period of an approval does not allow any change from the conditions of the approval for which the extension is requested.*

The requested Extension does not propose any changes to the conditions of approval for the Site Plan. The Applicant will continue to adhere to the conditionals of approval set forth in the Planning Commission's November 28, 2016 approval letter, as amended by the Planning Commission's subsequent approval letter dated May 24, 2019 (a copy of which is attached as Exhibit B).

- e. The implementation period, including all extensions, of any development approval and/or related permit approval in effect on and after shall be tolled throughout the pendency of all administrative appeals of the development approval and/or related permit approval that are instituted at any time during the implementation period. The tolling shall start on the date the timely administrative appeal is filed. The tolling period shall end on the date of finality of the decision or final action of the appellate body with final jurisdiction.*

Not applicable, as no administrative appeals have been instituted in connection with the Site Plan.

\* \* \* \*

For the reasons described herein, the Applicant respectfully requests that the Planning Commission extend the implementation period of the Site Plan by an additional twelve (12) months, to allow the Applicant the opportunity to begin construction of the future phase buildings no later than

November 28, 2025. As described above, the requested Extension satisfies the applicable criteria of the Zoning Ordinance for approval of an extension applicable.

We appreciate the Planning Commission's consideration of this matter, and trust that you will let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Ruhlen", with a long horizontal flourish extending to the right.

Christopher M. Ruhlen

cc: Mr. John Foreman  
Mr. Jesse Abair  
Mary Marshall, Esq.

EXHIBIT A

City of Rockville Planning Commission  
Corrected Approval Letter dated November 28, 2016





111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000  
[www.rockvillemd.gov](http://www.rockvillemd.gov)

**Correction Letter -Supersedes  
November 15, 2016 approval letter**

November 28, 2016

Mr. Charles Smioldo  
First Potomac Realty Trust  
3201 Jermantown Road, Suite 300  
Fairfax, VA 22030

Dear Mr. Smioldo:

Re: Site Plan Application STP2016-00283, 550, 560 & 570 Gaither Road, Rockville, Maryland 20850

At its October 19, 2016 meeting, the City of Rockville Planning Commission voted to approve the subject application. Approval allows for three additional phases to be added to the existing office park. Phase One is construction of a 2,500 square foot Café pavilion, landscape plaza and façade improvements to the existing building at 540 Gaither Road. Phases Two and Three propose construction of two Class "A" office buildings of up to 300,000 square feet, with structured and surface parking on the existing surface parking areas. A parking waiver of 1.5% is also approved to allow for a waiver of the construction of 25 parking spaces.

The Planning Commission's decision to approve the request is subject to the applicant's compliance with the following conditions:

**Planning and Zoning**

1. Submission, for review and approval of the Chief of Zoning, eleven (11) copies of the site plan revised according to any revisions as required by the Planning Commission.

2. Ensure compliance with Section 25.09.06.b. (Mechanical Equipment Screening)
3. Demonstrate compliance with the Green Building requirements (Article XIV of Chapter 5), prior to the release of building permits for Phases Two and Three.

**Inspection Services Division**

4. The new buildings must be built to the Fire and Life Safety Codes in place at the time of application for a building permit.

**Forestry Department**

5. The applicant is required to obtain a Forestry permit prior to the issuance of the sediment control and building permits. Conditions for issuance of the forestry permit are:
  - a. Submission and approval of a Final Forest Conservation Plan.
  - b. Execution of a Five-year Warranty and Maintenance Agreement in a form suitable to the City.
  - c. Submission of the Forestry permit application and fee to the City Forester's office.

**Traffic and Transportation**

6. All internal traffic control devices (i.e. signs, marking and devices placed on, over or adjacent to a roadway or pathway) to regulate, warn or guide pedestrians and/or vehicular traffic shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). The signing and pavement marking plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation. This plan shall be approved and included with the signature set.
7. The applicant shall provide 20 on-site short-term bicycle spaces by installing inverted "U" bicycle racks mounted in concrete spaced four feet apart. The configuration and orientation shall be that two bicycles can use one rack. The applicant must also provide 62 on-site long-term bicycle spaces.
  - a. Long term spaces can be provided by either installing bicycle lockers on a concrete surface or by incorporating a covered, locked bicycle room with racks into a building or parking garage. The method of providing the required spaces must be submitted to DPW for concurrence with detailed engineering. All required short term and long term spaces must be installed prior the issuance of the occupancy permit for each phase. See chart below.

Use	Short Term	Long Term
Office-Existing	18	71
Phase I: Restaurant-New	2	2
Phase II: Office-New	9	30
Phase III: Office-New	9	30

8. The applicant shall provide a total of six showers per gender and 60 clothing lockers per gender in accordance with the Zoning Ordinance. The shower and locker requirements for each gender, by phase is as follows:
- a. All required showers and lockers must be installed prior the issuance of the occupancy permit for each phase. See chart below

Use	Showers (per gender)	Clothing Lockers (per gender)
Office-Existing	6	0
Phase I: Restaurant-New	0	0
Phase II: Office-New	3	30
Phase III: Office-New	3	30

9. The applicant shall submit a Trip Reduction Plan that is in accordance with the CTR. Staff approval of the Trip Reduction Plan must be obtained prior to issuance of the occupancy permit for the proposed development in Phase III.
10. The applicant shall design, obtain permits from the City of Rockville, and construct the following improvements to satisfy the Transportation Improvement Contribution requirement of the CTR. The improvements must be completed prior to issuance of the occupancy permit for the second office building (Phase III):
- a. Gaither Road and King Farm Boulevard: The applicant will design, fund, and construct an exclusive left turn lane on the southbound approach of Gaither Road and an exclusive left turn lane on the northbound approach of Gaither Road, and the corresponding traffic signal upgrades at the intersection.
11. The applicant shall design and obtain permits from the City and/or the Maryland State Highway Administration, as applicable, and construct the following improvements to mitigate the traffic impact from the proposed development. Mitigation must be completed prior to issuance of the occupancy permit for the second office building (Phase III):
- a. MD 355 and West Gude Dr: Construct an additional eastbound left turn lane on West Gude Drive. Any necessary signal modifications will also be made due to the reconfigured lanes.

- b. Site Driveway and Redland Boulevard: Reconfigure the driveway egress to provide two outbound lanes; one will provide a left turn lane and the other will provide a right turn lane.
- 12. The City's Transportation Improvement Fee required by the CTR is \$1.50 per square foot of non-residential gross floor area and must be paid prior to the issuance of the building permit for each phase. The total fee for all three phases as proposed will be \$453,750.
- 13. The applicant shall pay the County's Development Impact Tax, as applicable, subject to the credits allowed by Montgomery County. The applicant shall submit a receipt of payment to the Inspection Services Division of the Department of Community Planning and Development Services and the Traffic and Transportation Division of the Department of Public Works prior to the issuance of any building permits.
- 14. During construction, the contractors will not be permitted to park in the residential neighborhood, east and north of the site. All parking for contractors must be provided on-site.

**Public Art and Private Development**

- 15. The project must comply with requirements subject to the rates that are in effect at the time of Permit Application.
- 16. Relocation of the art work (currently in the courtyard) must be in a place prior to the issuance of an occupancy permit for Phase one.

**Department of Public Works**

- 17. Comply with conditions of Water and Sewer Authorization letter dated October 4, 2016.
- 18. Comply with conditions of the Development SWM Concept Approval Letter dated September 21, 2016.
- 19. Comply with conditions of Preliminary Erosion and Sediment Control Letter dated September 21, 2016.
- 20. Submit, for review, approval and permit issuance by the DPW, the following detailed engineering plans, studies and computations, appropriate checklists, plan review and permit applications and associated fees. The following plans shall be submitted on 24"x36" sheets at a minimum scale of 1" = 30' unless otherwise approved by DPW. The Public Works Plan shall be submitted on City base sheet, all others may utilize non-City base sheet unless otherwise required by DPW.
  - a. Stormwater Management Plans (SWM) for on-site stormwater management;
  - b. Sediment Control Plans (SCP) for all disturbed areas;
  - c. Public Improvement Plans (PWK) for all work proposed within the public rights-of-way and any existing or required public easements.

Submission, for review and approval by the City Attorney's office prior to DPW permit issuance, all necessary agreements, deeds, easements, dedications and declarations. Drafts of the required documents, with the exception of SWM easements and agreements which can be included at second submission, must be included with the initial submission of the PWK package and must be recorded prior to issuance of DPW permits, unless otherwise allowed by DPW.

21. Post sureties for all permits based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
22. Provide a setback on the 11<sup>th</sup> Floor for Phases 2 and 3, as they face Gaither Road, that will be presented for review and approval by the Commission prior to the issuance of building permits for either of the phases. The purpose of the setback is to ameliorate and soften the view of the upper stories as viewed from the residential area directly on the other side of Gaither Road.
23. The applicant is to hold a community meeting to convey the changes required in condition #22, prior to going before the Planning Commission.

The Planning Commission based their approval on the following findings, in accordance with Section 25.07.01.a.3.a, which states that a site plan application that does not implement a project plan or a special exception may be approved only if the applicable Approving Authority finds that the application will not:

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

Staff has found and the Planning Commission agreed, no evidence that expanding the office use on the site would adversely affect the health and safety of persons residing or working in or adjacent to this development. Due to the site topography the future buildings will be partially sunken into the existing grade. The parking garages will be wrapped with architectural screens to obscure views into the parking garage to minimize light impacts. The future office buildings will be on sensors so that lighting will automatically turn off at night when the buildings are not in use. The height and massing of the proposed office buildings will be diminished when viewed from Gaither Road by compliance with the required layback slope, the intervening property and existing landscape buffer. All of these were concerns the neighborhood expressed at the post application area meeting.

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

The proposed project will not significantly alter the office setting that has existed at this location since its approval in 2000, and will continue to operate much as it has in the past. While there is no residential area immediately abutting the

subject property, there is an intervening parcel currently improved with a Shell Gas Station, that separates the property from direct frontage on Gaither Road. The intervening property has landscaping although not as dense and the majority are lower growing species than was previously approved due to the location of the new buildings. The Planning Commission has found that the landscaping that is being provided is adequate since the development is not immediately adjacent to residential. Based on the information presented, the proposed project will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

*iii. Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;*

The project is in full compliance with the Adequate Public Facilities Standards, and will not overburden site area roadways and streets, or water and sewer services. No significant impact on emergency services is anticipated because of the proposed development. Developments generating 350 or more trips are required to provide a Transportation Improvement Contribution. In addition, the applicant will be required to perform mitigation at two intersections (MD 355 and West Gude Drive and Site Driveway and Redland Boulevard). The thresholds for mitigation are only met in Phase III of the proposed development, phases I and II do not meet threshold for mitigation. The proposed mitigation will allow for the intersections to operate at an acceptable level of service, as permitted by the CTR.

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

The site is located within the Watts Branch watershed and contains a first order stream and wetlands in the western portion of the site. Almost the entire stream valley buffer is in forest and protected by an existing forest conservation easement. The project and associated improvements will not encroach into the stream valley and wetland buffers. Thus, the expansion of the existing use as office will not adversely affect the natural resources or the environment of the City or surrounding areas.

*v. Be in Conflict with the Plan;*

The project is not in conflict with the Master Plan, the plan acknowledges that that sites in the area are well suited to "higher density" office space given its location and visibility in the I-270 corridor. The proposed use and site design are in keeping with the intent of the Plan. Such use has existed on the site for over 16 years. Continued use of the property as office will not be in conflict with the Plan.

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

The application complies with this requirement except for the Section 25.16.03., number of parking spaces required. As previously indicated, the applicant has applied for a waiver to account for the parking deficiency. The proposed buildings comply with all the development standards required in the MXE zone as indicated in Article 13 of the Zoning Ordinance.

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

The continued and planned use of the property complies with the Master Plan's land designation of the site area as a "science center, and is the location for the high technology industries and office facilities". The continued and proposed use is consistent with similar land uses found in the area. With approval of the parking waiver request, the site will conform to all applicable requirements of the Zoning Ordinance. The proposed development complies with the 30 degree layback slope, intended to reduce impacts on nearby residential units from commercial development. The Commission has required the applicant to provide a setback for the 11<sup>th</sup> floor to further ameliorate and soften the view of the upper stories as viewed from the residential area across Gaither Road. Subject to these conditions, Phases 2 & 3 will be more compatible with the surrounding uses and properties.

Be advised that Section 25.07.06.c of the Ordinance states that, all phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the date of approval or the permit will expire. Section 25.07.06 of the Zoning Ordinance requires that the construction must commence pursuant to a validly issued building permit within two (2) years of the effective date of the Planning Commission approval. However, the Planning Commission may for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior approval subject to the provisions of Section 25.05.08 "Extension of Implementation Period".

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

Mr. Charles Smioldo  
November 28, 2016  
Page 8

Respectfully,



R. James Wasilak, AICP  
Chief of Zoning

RJW/nrw

Cc: Nicole Walters, Senior Planner  
Bobby Ray, Planning Supervisor  
Tim Diehl, Fire Marshal/Acting Chief of Inspection Services  
Mark Wessel, Engineering Supervisor  
Gregory Lyons, Senior Transportation Engineer  
Elise Cary, Assistant City Forester  
Jeffrey Ratteree, Principal Planner  
Mr. & Mrs. Tim Moyer, homeowners  
Mr. Bill Samuel, homeowner  
Laurie M. Boyer, Director Rockville Economic Development

*P.S. Please read sign, and return a copy of the acknowledgment statement listed below.*

Note: Building permits will be issued only when all referenced conditions of approval have been met/satisfied and a copy of the following acknowledgement has been executed by the applicant and returned to the City's Planning Office. Please be advised that the Planning Commission's approval does not constitute approval by any agency or other department having jurisdiction over the planned site development.

**I ACKNOWLEDGE RECEIPT OF SITE PLAN STP2016-0283 AND AGREE TO COMPLY FULLY WITH THE CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.**

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(Applicant's Signature)

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EXHIBIT B

City of Rockville Planning Commission  
Approval Letter dated May 24, 2019



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000  
[www.rockvillemd.gov](http://www.rockvillemd.gov)

May 24, 2019

FP Redland Technology Center and FP 540 Gaither LLC.,  
c/o Mr. Chris M. Ruhlen  
Lerch, Early and Brewer  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814

Dear Mr. Ruhlen:

Re: Redland Technology Center Site Plan Application STP2016-00283,  
Phases II & III -Future Buildings at 560 and 570 Gaither Road, Rockville, Maryland  
20850

At its May 8, 2019 meeting, the City of Rockville's Planning Commission voted to approve the proposed design for the subject application. The approval allows for the 11<sup>th</sup> floors of the future buildings at 560 and 570 Gaither Road, to be set back 15 feet from the other floors. The application was filed to satisfy condition #22 of the original site plan approval (STP2016-00283).

The proposal will reduce the floor area by approximately 5,688 square feet. This reduction in size further reduces the total number of parking spaces required by 19 spaces (5,688 square feet/300 square feet). The reduction in the number of required parking spaces reduces the amount needed for the parking waiver, previously granted by the Planning Commission, to a parking reduction of only 6 spaces from the total.

The Planning Commission's decision to approve the request is subject to the applicant's compliance with the following conditions:

Mr. Chris M. Ruhlen  
May 24, 2019  
Page 2

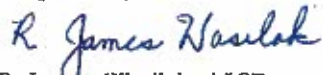
Conditions:

1. Continued adherence to all conditions previously approved in the Planning Commission's Corrected Approval letter dated November 28, 2016; and
2. Submission, for review and approval of the Chief of Zoning, of three copies of the renderings as approved by the Planning Commission.

Section 25.07.06.c of the Ordinance states that, all phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the effective date of the original approval (November 28, 2016).

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

Respectfully,



R. James Wasilak, AICP  
Chief of Zoning

RJW/nrw

Cc: Nicole Walters, Senior Planner - CPDS  
Bobby Ray AICP, Planning Supervisor – CPDS  
Mr. Jesse Abair, RMR Group  
Mr. Ernest Ulibarri, RMR Group  
Mr. Patrick LaVay, Macris, Hendricks and Glascock, P.A.

*P.S. Please read sign, and return a copy of the acknowledgment statement listed below.*

Mr. Chris M. Ruhlen

May 24, 2019

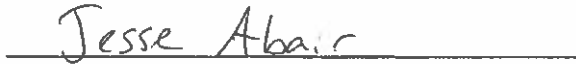
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Commission's approval does not constitute approval by any agency or other department having jurisdiction over the planned site development.

**I ACKNOWLEDGE RECEIPT OF SITE PLAN STP2016-00283 AND AGREE TO COMPLY FULLY WITH THE CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.**



(Applicant's Signature)



(Applicant's Name – Please Print)