

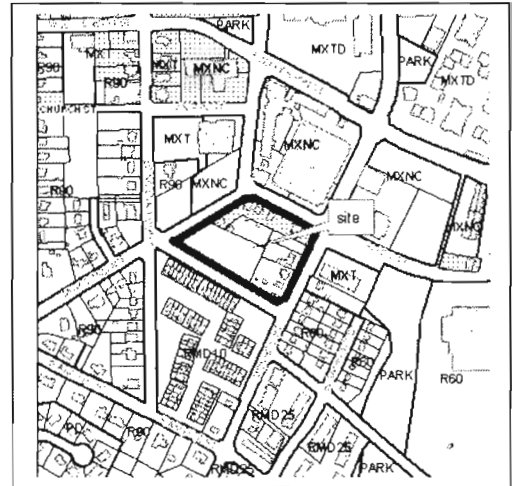
**CITY OF ROCKVILLE
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT**

TO: Planning Commission

FROM: Jim Wasilak, AICP, Chief of Planning
Bobby Ray, AICP, Principal Planner

PROJECT MANAGER: Cas Chasten, Planner III

Planning Commission Meeting Date: June 23, 2010



SUBJECT: Site Plan STP2010-00034, Victory Housing Inc. - A proposal to develop the subject property located at 209 Monroe Street for use and operation of a (86 unit) senior housing apartment building for independent elderly residents. The site plan is submitted in accordance with previously approved Special Exception SPX2009-00378.

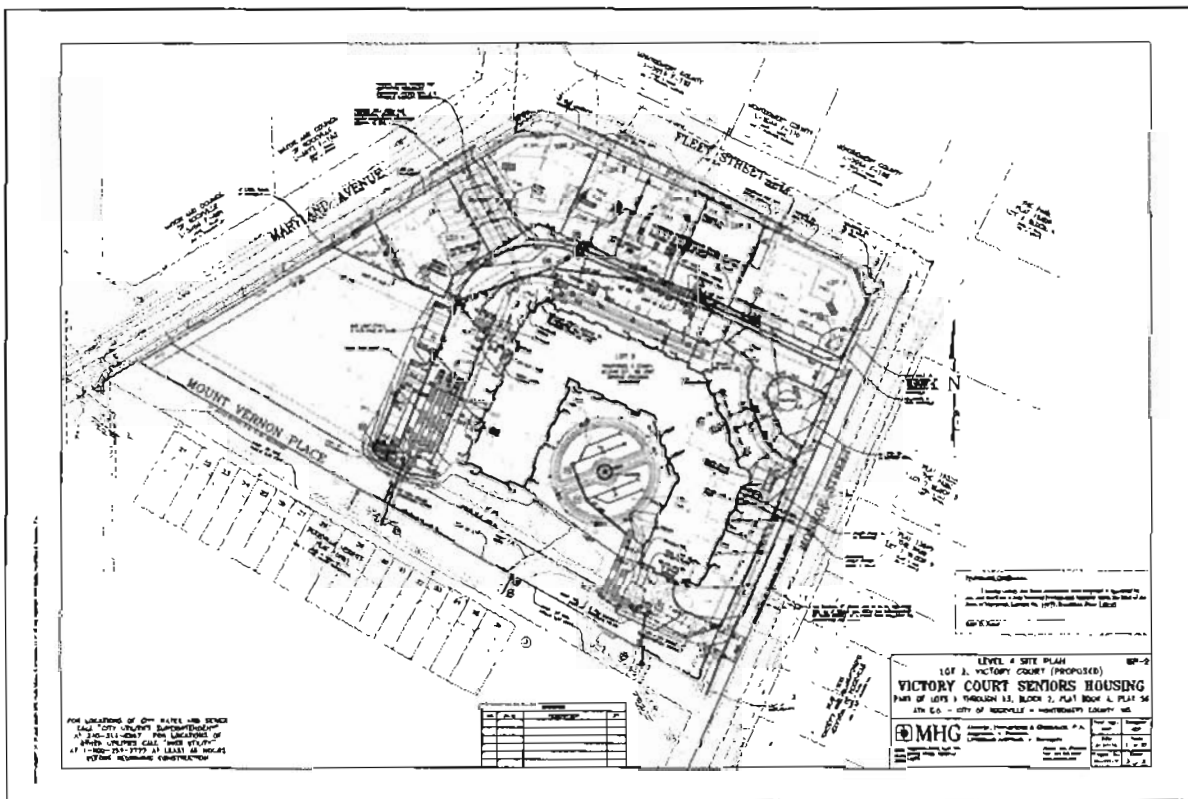
RECOMMENDATION: That the Planning Commission approve, subject to the recommended conditions, Site Plan STP2010-00034, a development proposal to construct an 86 unit three story apartment building for independent senior residents.

REQUEST: The (level two) Site Plan application proposes an 86-unit housing facility, associated parking and site improvements, in accordance with approved Special Exception SPX2009-00378. This proposed project is limited to independent multi-family units to be occupied by seniors, with proposed amenities that include common areas such as a community room, television room, exercise room, etc. The building will include three stories above grade, with a basement level containing 16 parking spaces accessed at the southeast corner of the building. Vehicular access to the site is proposed from Monroe Street, with driveway access to surface parking spaces. The building was redesigned during the special exception process to include a flat roof, and with a facade resembling townhouses.

On June 4, 2009, the law firm of Miller, Miller, and Canby, on behalf of Victory Housing, Inc. (referred herein as the applicant), submitted Special Exception Application (SPX2009-00378) in accordance with Section 25.13.03 and 25.15.01 of the Zoning

Ordinance. The property owner (Montgomery County) has entered into an Option to Lease agreement with Victory Housing, Inc. (VHI) to develop the County owned properties that are the subject of this proposal, for use and operation of an (86 unit) apartment building/senior housing facility for independent elderly residents.

At its meeting on January 9, 2010, the City of Rockville Board of Appeals voted to adopt a written decision formally approving Special Exception SPX2009-00378 subject to certain conditions. A technical error was discovered prior to mailing the original Decision to all interested parties. Thus, the Board of Appeals adopted an Amended Decision on January 19, 2010 to correct Condition of Approval #17 (See Attachment A).



Proposed Site Development Plan

As per Section 25.07.09.n. of the Zoning Ordinance, if a site plan is required to exercise the rights granted by the Board of Appeals decision, application for such approval must be filed within six (6) months of the date of the Board's decision, or approval of the special exception shall expire. On February 24, 2010 the applicant formally filed Site

Plan Application STP2010-00034, in order to implement previously approved SPX2009-00378 as required by the Zoning Ordinance.

PROJECT/SITE INFORMATION:

Location: 209 Monroe Street, Rockville, Maryland 20850
 Applicant: Victory Housing Inc.
 Land Use
 Designation: Preferred Residential – Single Family Attached
 Zoning District: MXT, Mixed Use Transition
 Planning Area: Planning Area 1 (Town Center)
 Parcel Area: 4.26 acres (185,435 square feet)
 Building Height: 3 - 4 Stories (39 feet – measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the proposed flat roof.
 Parking: 52 Spaces

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	MXNC	Public & Institutional	County Governmental Offices
South	RMD-10	Preferred Residential – Single Family Attached	Townhouses/Single Unit Attached Dwellings
East	MXT & R-60	Preferred Office & Preferred Residential	Professional Office, and Single Unit Detached Dwellings
West	R-90	Public & Institutional Preferred Residential	City Governmental Office, Single Unit Detached Dwellings

PROPERTY DESCRIPTION:

The site contains a collection of deeded properties, owned by Montgomery County Government, located within the Rockville Heights subdivision. The properties collectively total 4.26 acres (185,435 square feet) and are zoned for Mixed Use Transition (MXT) land usage. There are five houses currently located on the subject site which make up the Rockville Heights Historic District, four (4) that front Fleet Street and one (1) fronting Maryland Avenue. The site also contains four other houses that front Monroe Street which are not located within the historic district and are proposed for demolition.

Aerial Overview of Site



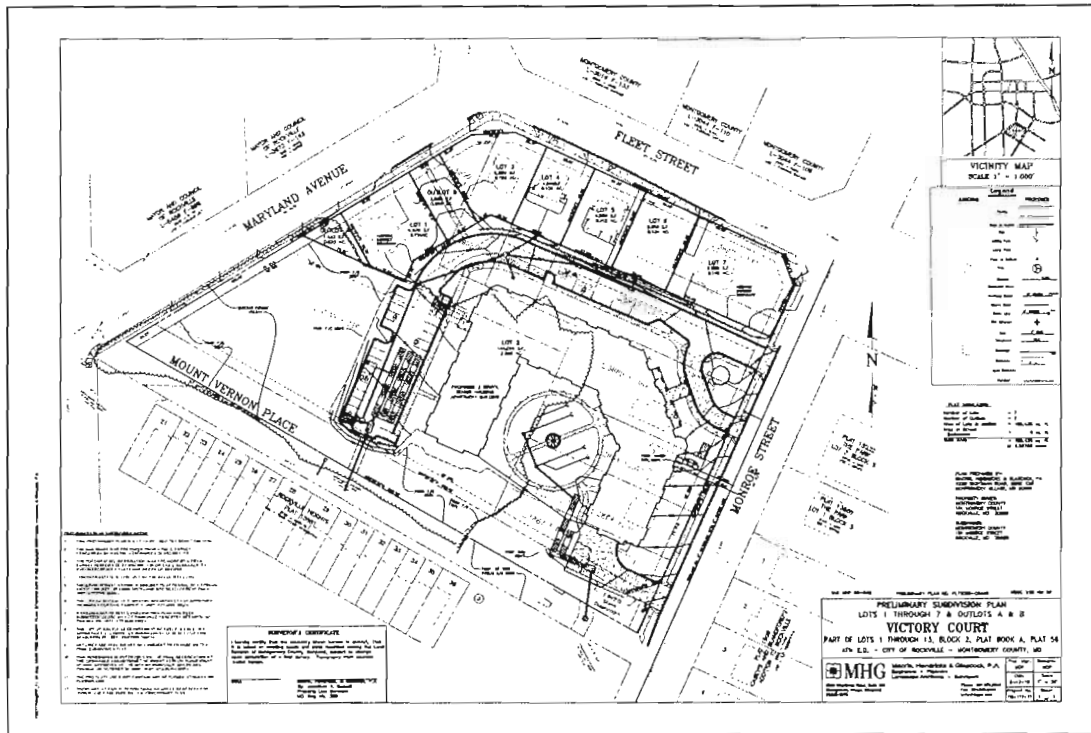
As noted in the July 16, 2009 Historic District Staff Report, "The Rockville Heights Historic District is significant as an intact collection of early 20th century residential architecture of varying styles. The district borders the Town Center and conveys small town land use patterns that characterized Rockville's built environment prior to WWII. The Rockville Heights Historic District is located at the northern end of the Rockville Heights subdivision, platted in 1890. The house at 107 Fleet Street dates to 1904 and reflects the late 19th century Queen Anne style. The other four houses were built between 1926 and 1936. Together, they present an early 20th century streetscape and reflect the early residential character of this part of Rockville, where commercial, office and governmental offices now dominate." The dwelling structures and accompanying properties were acquired by the County in the 1960s and have been used for a variety of office uses.

In addition to the noted dwelling/building structures that are located on the subject site, the 4.26-acre site contains approximately 1.73 acres of forest. The site's topography ranges from relatively flat to gradual and pronounced sloping. The surface grades however, in and around the dwellings located along Monroe Street, Fleet Street, and Maryland Avenue are relatively flat. The site surface grades located along all street frontages are somewhat higher than those that make up the overall site. As noted, the site contains an array of mature trees, shrubs, and hedges, flowering and non-flowering plantings, all ranging in species and size.

The project site is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east, and public right-of-way, an unimproved street (known as Mount Vernon Place) running between Maryland Avenue and Monroe Street on the south that has been approved for abandonment. The site is bounded on the west and north by City and County governmental land uses, to the east by office, institutional, and single family detached residential land uses, and to the south by attached single family dwelling units, i.e., known as the Courthouse Walk townhouse development.

On October 26, 2009 the Mayor and Council adopted Ordinance No. 30-09, granting Street Closing and Abandonment Application SCA2006-00097. The property owner (Montgomery County) in conjunction with the applicant requested the abandonment of the above noted unimproved Mount Vernon Place right-of-way, in order to obtain half of the land area contained in the right-of-way. With the abandonment of the right-of-way, approximately 18,036 square feet of the former 36,914 square foot unimproved land area will be officially incorporated into the overall site plan and preliminary

subdivision plan proposal. A portion of this area is proposed to remain forested, thus creating a buffer between the now proposed Victory Court Senior Housing facility and the existing Courthouse Walk townhouse development to the south (See Exhibits 1 thru 4).



**Proposed Preliminary Subdivision Plan
PLT2009-00489**

Because the project site is made up of a collection of deeded parcels with underlying record lots, the applicant was required to file a preliminary subdivision plan PLT2009-00498 in order to subdivide the site as proposed. Under the preliminary subdivision plan, the County-owned properties that now make up the site project area would be re-subdivided into seven new record lots and two outlots, consistent with the lots illustrated on the proposed site plan. Upon approval of the site plan, the applicant must obtain preliminary subdivision plan approval, and final record plat approval in order to develop the site and create the lots as proposed.

PREVIOUS RELATED ACTION:

- **December 20, 2005: Residential Townhouse Initial Application RTH2005-00020**, Montgomery County Government – a proposal to construct 44 town homes on the subject 4.26 acre parcel (then) located in the R-90 (Single Family Detached, Restricted Residential) Zone. The Application was filed on December 20, 2005, but was not fully processed due to denial of related Text Amendment.
- **July 16, 2009: Historic District Commission Application HDC2010-00473** - a courtesy review of pending Preliminary Subdivision Plan PLT 2009-00498, a proposal to re-subdivide the subject county-owned properties, creating a total of seven (7) new record lots. Of the proposed newly created record lots, a total of six (6) lots will be located within the Rockville Heights Historic District. The Commission's courtesy review also included discussion of pending Special Exception SPX2009-00378, the subject request to redevelop the applicant property for use and operation of a senior housing facility. On July 16, 2009, the Commission voted to recommend PLT2009-00498 and SPX2009-00378 be approved by the Planning Commission and Board of Appeals respectively, subject to certain conditions.
- **October 26, 2009: Application to Close and Abandon Public Right-of-Way SCA2006-00097** – a request for the permanent closure and abandonment of public right-of-way, an unimproved street running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision and dedicated per Plat No. 56, approved by the Mayor and Council.
- **January 9, 2010: Special Exception Application SPX2009-00378**, Victory Housing Inc. – a request to redevelop the property for use and operation of a senior housing facility/apartment building for independent elderly residents. The Board of Appeals voted to approve the special exception on January 9, 2010 and later amended its approval decision to correct a technical error on January 19, 2010.

- **May 20, 2010: Historic District Commission Application HDC2010-00496A**, Rockville Heights Historic District, a review of Preliminary Subdivision Plan PLT2009-00498 and Site Plan STP2010-00034. The Commission review of the plans was related to the historic lots and voted as follows: a) recommended approval of PLT2009-00498 with respect to the delineation of individual lots; and b) recommended approval of STP2010-00034 landscape plans for plantings within the historic district, and removal of the shared-use path entirely from the historic district. The Historic Commission's review and action occurred on May 20, 2010.
- **Preliminary Subdivision Plan Application PLT2009-00498**, Victory Housing Inc. – a proposal to consolidate several deeded and recorded properties owned by Montgomery County Government in order to create seven new record lots and two outlots. (Pending review and action by the Planning Commission)

ANAYLSIS:

Master Plan Compliance

As per the Master Plan, the site is designated for Preferred Residential – Single Family Attached land usage. The Board of Appeals in its approval of the project's Special Exception SPX2009-00378 determined that the proposed land use was consistent with the Master Plan's land use designation of the site, and thus appropriate within the MXT (Mixed Use Transition) Zone in which the site is located. Based on the evidence and testimony which was considered by the Board of Appeals in its hearing of SPX2009-00378, the proposed apartment building for independent elderly residents was found to be in accordance with the intent of the Master Plan.

Thus, the proposed use and redevelopment of the County owned properties was found to be in keeping with the Plan and reflective of the mix of residential and non residential land uses envisioned for the site area when the subject property was rezoned from R-90 to MXT in 2009.

Zoning Compliance

As per Section 25.13.02 of the Zoning Ordinance, the MXT Zone is "intended for areas that are located between moderate or high-density development and single-unit detached residential neighborhoods. This zone allows for development of low density multi-unit, attached and townhouse residential development, and may include other neighborhood-serving uses."

In accordance with the Board of Appeals approval of SPX2009-00378, the proposed apartment building for independent elderly residents will be not more than 39 feet in height, ranging from three (3) to four (4) stories above the adjacent grade, i.e., a basement level, first, second, and third floors. It is important to note that the applicant had initially proposed that the apartment building be 47 feet in height with a gable roof.

Aerial Overview of Subject Site



However, due to substantive evidence and testimony presented throughout the public hearings on SPX2009-00378, the Board of Appeals imposed the 39 foot maximum building height, to be measured as outlined in the Board's amended decision (See Attachment A).

As proposed, the 86-unit apartment building will contain 45 one-bedroom living units and 41 two-bedroom living units. The senior housing amenities will be located on the ground level and include a community room with a small kitchen, a living room, television room, arts & crafts room, computer room, exercise room, and a wellness center. Residents will have access to the landscaped courtyard and outdoor seating area (See Exhibits 2 & 4).



Proposed Building Elevations

The building is residential in character and is designed in accordance with the Board of Appeals approval of SPX2009-00378, having a roof height of 39 feet as measured from the street grade elevation of Monroe Street opposite the middle of the front of the

building to the highest point of roof surface of the flat roof. The architect has designed the building with a façade reflective of a townhouse development, which attempts to break up the massing of this proposed multifamily building structure.

The original Craftsman Style architecture, with its steeply pitched roofs and monolithic style, was changed following the Board of Appeals direction to redesign the building with a flat roof. The new design mimics local townhome design with each building elevation being broken up into a series of townhome elevations, each with its own style. Georgian, Federalist and Colonial styles alternate across each elevation to provide a varied and yet compatible series of building facades. The look of French doors and "Juliet" balconies with railing on one elevation; is then flanked by an elevation with Federalist Style detailed windows and shutters with varying brick, stone and siding. As the building steps down hill along Monroe Street, so does the roofline, with a mansard roof and dormers making the transition between the roof elevation changes. Each townhome façade has either a brick or stone base and in some cases the brick extends up to the roofline. The roofline is varied with heavy and thin cornices, gable pediments that extend above the roof parapet and a mansard/hipped roof on the building ends facing Courthouse Walk. Building materials, color siding, shutters and trim all vary in color from elevation to elevation.

The main entrance elevation has a large covered porch with protruding canopy that extends to the drop-off curb. There is a central gabled pediment that is on axis with the canopy and fountain that extends slightly above the roof parapet line. This is the most symmetrical portion of the building façade and reinforces the main entrance as the focal point of the angled entry façade.

The exterior of the building will be constructed of materials which include but may not be limited to the following: manufactured stone siding, brick veneer, vinyl siding, prefab decorative columns, cast stone wall, and architectural grade roof shingles.

The proposed building will be located somewhat in the center of the site, with vehicular access onto Monroe Street at two locations. The front building entrance will be oriented facing Monroe Street at an angle. The building will be set back approximately 31 feet from the site's Monroe Street (eastern) property line, 67 feet from the site's southern property line, i.e., the abandoned Mount Vernon Place (unimproved public right-of-way), 180 feet from the site's Maryland Avenue (western) property line, and 59 feet

from the proposed northern property line, which is the rear yard property lines of the abutting historic homes located within the Historic District.

A total of 29 on-site parking spaces are required for the site use, i.e., one (1) space per each three (3) living units. In accordance with previously approved SPX2009-00378, a total of 52 on site parking spaces will be provided, i.e., 36 surface parking spaces and 16 located in the garage below the southeastern wing of the building. Site access to the garage spaces will be provided via the southern most site entrance proposed on Monroe Street.

In accordance with SPX2009-00378, the Board of Appeals found that the proposed site use and development adhered to requirements of Section 25.13.07.g. of the Ordinance (Special Design Regulations for Individual Mixed-Use Zones). The Board's findings are outlined on pages 7, 8, and 9 of the attached Exhibit A. Staff finds that the Site Plan application continues to meet these requirements.

As shown on the site plan and landscape plans, the building's proposed surface parking will be screened from open site view by trees and other planted materials. Lastly, the parking facilities are oriented to face inward on the site, so as not to allow vehicle headlights of parked cars to shine into adjoining residential properties. Staff does note that the proposed site entrance to the garage parking facilities has been shifted southward on the site in an attempt to lessen (to the extent possible) the glare from the headlights of cars exiting that entrance at night, from shining directly into the homes located on Monroe Street.

The site plan as submitted complies with all applicable requirements of the Zoning Ordinance and is consistent with the Board of Appeals approval of SPX2009-00378. However, to ensure that all of the properties associated with the site development proposal comply with applicable requirements of the Zoning Ordinance, staff recommends that the lots located within the historic district be formally incorporated into the overall site development project. Thus staff has recommended that the note as shown on the site plan which reads "*Proposed improvements shown on Lots 1, 3, 4, 5, & 7 are illustrative and not included in the site plan*" must be removed and eliminated. Since the property owner has affirmed that the future and intended use of the dwellings located in the historic district will be for single-family residential purposes, the applicant and/or property owner will be required to provide a minimum of two (2) on

site parking spaces for each of the lots. New driveways along with appropriate site entrances will be required for Lot #1 and Lot #7.

Since the existing driveway on Lot #7 must be removed to accommodate the development of the proposed site entrance on Monroe Street for the apartment building, a new driveway will be constructed with access onto Fleet Street. With regard to Lot #1, the existing site driveway must be removed and rebuilt to accommodate the emergency access entrance, located on proposed Outlot B, which will be accessed via Maryland Avenue. The new driveways that will be constructed on Lot #1 must be reconstructed and designed with an onsite turnaround, that allows vehicles on-site turning area so that vehicles can safely exit the site onto Maryland Avenue. It is staff's recommendation that the new driveways to be constructed on Lots #1 and #7 be constructed prior to the issuance of occupancy permits for the proposed elderly housing facility.

Forest/Tree Preservation

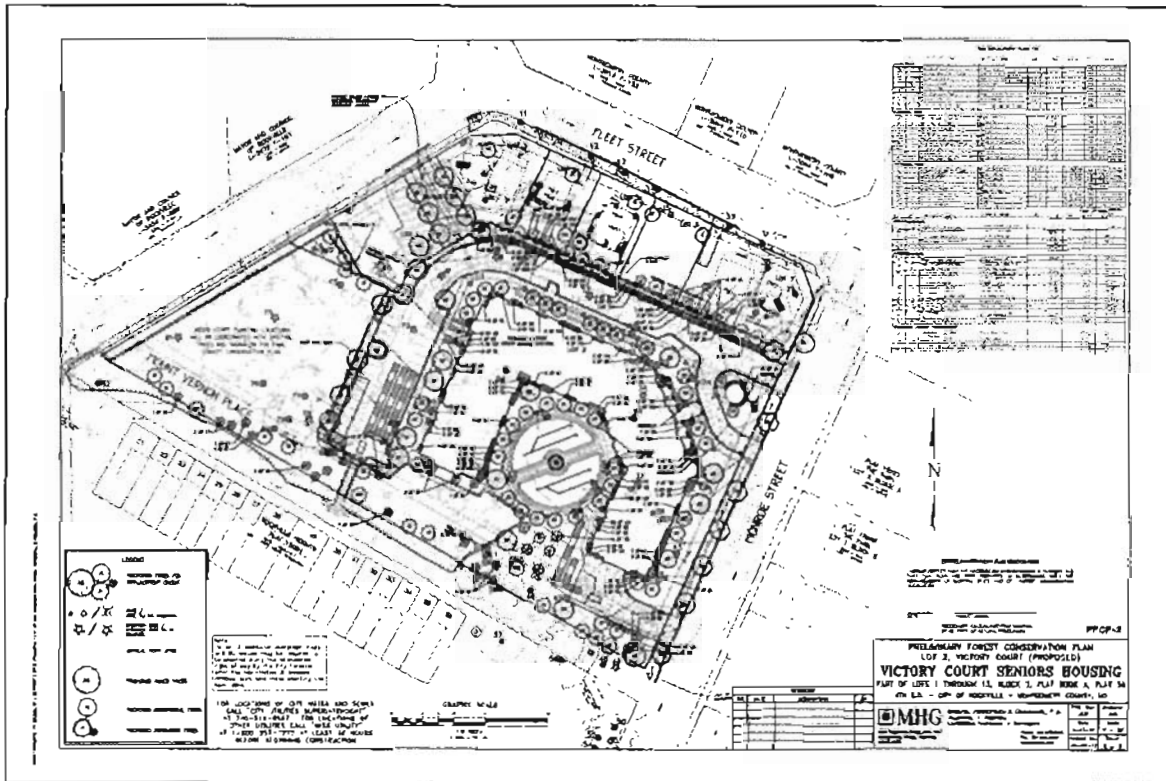
The project is subject to all of the Forest and Tree Preservation Ordinance (FTPO) requirements including forest conservation, significant tree replacement and minimum tree cover. The approved Special Exception, SPX2009-000378, required that all of these requirements be met on site. The Preliminary FCP included with this report satisfies the requirements and can be approved with minor revisions.

The 4.26-acre site that includes the Victory Court Housing lot, the historic lots and half of the Mount Vernon Place right-of-way contains 1.73 acres of forest and over 70 significant trees. There are also a number of young trees scattered among the historic homes. Five street trees in fair to poor condition are located along Fleet Street. The trees are in decline and their growth has been severely stunted by the restricted 2.5-foot by 5.5-foot planting space.

Forest Conservation:

The project will retain forest to the break-even point, which is one half (0.86 acres) of the 1.73 acres of forest on site. This means there will not be a forest conservation-planting requirement for the project. Montgomery County as the property owner is required to record a Forest Conservation Easement (FCE) over the forest retained to ensure long-

term protection for the trees. The FCE prohibits activities that would damage or injure the trees within the forest.



Proposed Landscape Plan

Significant Trees:

The project proposes to remove 39 significant trees requiring 99 replacement trees. The street trees along Fleet Street would be severely damaged and compromised by the proposed sidewalk improvements since the structural roots are growing over the sidewalk panels. Furthermore, these trees are on the City's non-native and invasive plant list and therefore, their removal is recommended. Two trees are being recommended for removal by the Historic Preservation staff (not currently shown for removal on the Preliminary FCP) due to their proximity to the historic homes on lots 3 and 4. Forestry staff has approved the removal of these trees and the additional replacement trees would be shown on the Final FCP.

The significant tree replacement planting will consist of 25 shade trees, 40 ornamental trees and 34 evergreen trees. Additional trees to be planted include: 22 evergreens along the forest edge of the Mount Vernon Place right-of-way, three (3) evergreens on outlot A in the FCE, four (4) shade trees between the parking lot and the FCE, and several trees within the stormwater management areas. Seven (7) street trees will be planted within the 7-foot tree lawn along Monroe Street.

The proposed evergreen trees along the (abandoned) Mount Vernon Place right-of-way will enhance the screening between the project and the Courthouse Walk townhomes. Additional evergreen trees and shrubs may be needed to supplement the planting after the initial non-native and invasive plant removal is done. An approval condition has been added for this possibility. Evergreen trees and shrubs are provided between the historic homes and the project to provide buffering and screening between the uses. .

Minimum Tree Cover:

The Minimum Tree Cover requirement for the MXT zone is 15% or 0.64 acres (27,815 s.f.). The project will provide more than double the requirement by meeting forest conservation and significant tree replacement on site.

Landscaping, Screening and Lighting Manual

The project complies with the following applicable sections of the Landscape Manual: Section 4.2(c) Internal Landscaping of Surface Parking Facility and Section 4.2(d) Minimum Size of Planting Islands within Internal Landscape Area. The project proposes to screen the loading and trash area by installing a 6-foot high board fence along with tree planting within the former Mount Vernon Place right-of-way.

Per recommended condition of approval #1.i., a Lighting Plan will need to be approved by the City prior to issuance of the Building permit demonstrating compliance with Section 5 of the Manual.

Stormwater Management

Stormwater management (SWM) for the entire site will be provided per the stormwater management concept approval letter dated March 2, 2010. On-site treatment will be provided through Environmental Site Design (ESD) and structural methods including

dry wells, planter boxes (landscape infiltration) micro-bioretenion facilities, underground pipe storage and a sand filter. Pervious pavement may be used if infiltration rates are acceptable. The SWM concept letter lists specific conditions of approval (See Attachment B)

Traffic/Transportation

Traffic:

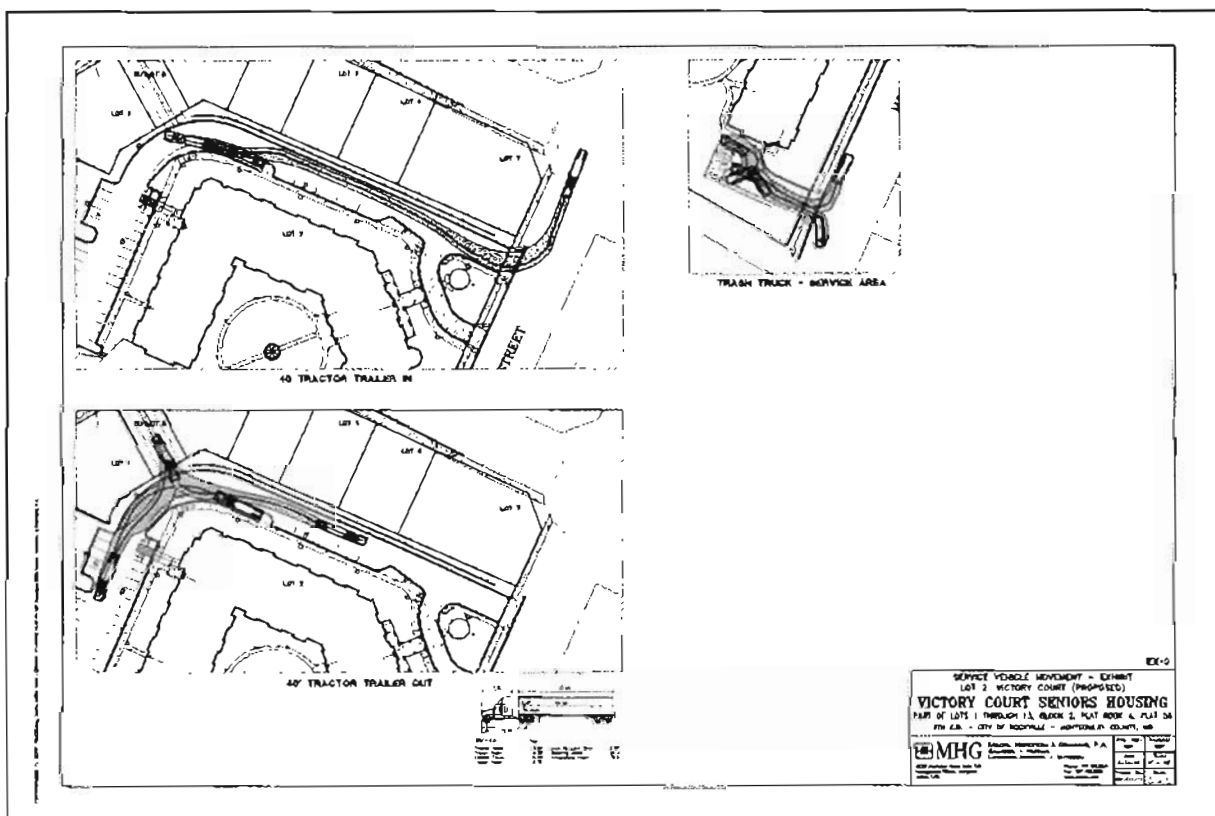
The applicant submitted a Transportation Report in accordance with the City's Comprehensive Transportation Review (CTR) analysis for the proposed 86-unit senior housing building. The proposed senior housing building will generate 11 AM and 14 PM peak hour trips. Since the peak hour trips are less than 30, the applicant's Transportation Report focused on internal circulation and parking, and non-auto access through and onto the site. A supplemental Transportation Report was submitted for the four single-family dwellings along Fleet Street and the one located on Maryland Avenue. These five dwellings will generate four AM and five PM peak hour trips. The additional trips generated by the dwellings and the trips generated by the senior housing facility will not increase the total peak hour trips above thirty (30). Any project that generates more than 30 peak hour trips, requires the applicant to complete a full Transportation Report including intersection analysis.

For the senior housing building, the applicant proposes three vehicular access points to the site along Monroe Street. The northernmost access point will be vehicular ingress and egress and access to the loading area. The middle access point will be egress only for a drop-off area and the southern access point will be for trash and access to the 16 space parking area beneath the building. An additional access for emergency vehicles only will be from Maryland Avenue.

For the single family detached buildings the applicant proposes to keep the existing access points (with the exception of lot 7). Lot 7 will have a new vehicular access point along Fleet Street since the senior housing building site entrance will replace the existing driveway. In addition, the Department of Public Works (DPW) will require the applicant to provide a turnaround in the driveway for lot 1 located along Maryland Avenue. While the driveway location for this lot is not being relocated, the applicant proposes to reduce the driveway size and is required to provide for a turnaround to allow for easier access onto Maryland Avenue.

Pedestrian / Bicycle Access:

The applicant will provide pedestrian access along the site's street frontage and through the site. The applicant is required to upgrade the existing sidewalks per the City Code standards along Maryland Avenue, Fleet and Monroe Streets. The applicant also proposes pedestrian walkways from Monroe Street and Maryland Avenue to the senior housing building.



Service Vehicle Exhibit

The Bikeway Master Plan (BMP) recommends a shared-use path along Maryland Avenue and Fleet Street. The proposed sidewalk upgrade along Maryland Avenue will help the site comply with the BMP per the Comprehensive Transportation Review. However, due to the right-of-way constraints along Fleet Street, an eight (8) foot wide shared use path cannot be constructed without an encroachment into the historic lots. The Historic District Commission denied this encroachment, so a portion of the shared use path will not meet the minimum requirement of eight (8) feet.

The site will comply with the bicycle parking requirements in the Zoning Ordinance. The applicant is required to install one (1) bicycle locker (2 long-term spaces) and one (1) bicycle rack (2 short-term spaces). Long-term spaces can be either bicycle lockers or a covered locked room and short-term spaces are considered to be an inverted "U" bicycle rack.

Transit:

This site is within seven-tenths of a mile of the Rockville Metro station and served by three (3) Montgomery County Transit Ride-on routes. Route 44 serves the site along Monroe Street and routes 47 and 56 serve the site along Fleet Street and Maryland Avenue. One bus stop is located along the site's Monroe Street frontage. In accordance with the Special Exception approval, the applicant is required to make a monetary contribution for a bus shelter.

Roads and Public Transportation:

The roadway and non-auto system around the site are adequate to serve the proposed uses. Based on the applicant completion of the Comprehensive Transportation Review (CTR), there will be minimal traffic impact from the proposed uses; therefore, the applicant is not required to complete any mitigation. The applicant will be upgrading the sidewalks along Fleet and Monroe Streets and Maryland Avenue. In addition, the applicant will be making a monetary contribution for a bus shelter.

Utilities

Adequate Public Facilities Standards (APFS)

Water and Sewer - In the water and sewer authorization letter dated June 3, 2010 (See Attachment C) the application received approval from DPW for a request to extend the on-site water and sanitary sewer systems. The authorization letter lists project specific conditions of approval. The public water and sewer system has adequate capacity for the proposed development.

Publicly Accessible Art in Private Development

The applicant shall comply with the City's Publicly Accessible Art in Private Development Ordinance. Note, any market rate units are subject to the ordinance.

RECOMMENDED CONDITIONS:

Approval of Site Plan STP2010-00034 is recommended subject to the following conditions:

1. The applicant must submit to the Chief of Planning nine (9) copies of the site and building plans revised to illustrate that all of the following site development concerns have been satisfactorily addressed:

a. Delete the note on site plan sheet #2 of 2 that states "Proposed improvements shown on Lots 1, 3, 4, 5, & 7 are illustrative and not included in the site plan."

Note, all of the proposed lots shown are components of the overall site plan and the existing and proposed improvements shown thereon have been reviewed in relationship to the planned development of the entire site.

b. Amend the second line in the title block on site plan sheet #1 of 2 to read as follows: Lots 1 through 7 & Out-lots A & B. Also correct the title at the top of the site plan sheet accordingly.

c. Correct note #7 of the site plan notes on plan sheet #1 of 2 to read as follows: A Special Exception (SPX2009-00378) was approved by the Board of Appeals for the proposed apartment building for independent elderly residents on January 19, 2010.

d. Shift/move the proposed side yard lot line located between Lots 3 & 4 to ensure that the dwelling located on Lot 4 is set back from its western side yard lot line a minimum of 10 feet.

e. Shift/move the proposed side yard lot line located between Lots 4 & 5 to ensure that both lots can accommodate a ten foot wide driveway.

f. On site plan sheet #2 of 2, remove the reference that denotes a 2 foot lawn panel and 6 foot wide sidewalk along the site's Maryland Avenue frontage

- g. On site plan sheet #2 of 2, remove the reference that denotes an 8-foot wide sidewalk along the site's Fleet Street frontage, and remove any portion of the sidewalk shown as an encroachment onto adjacent property.
 - h. The property owner must obtain approval from the Chief of Inspection Services prior to occupancy and/or formal use of any of the homes located within the site's historic district.
 - i. Proposed site lighting shall be installed so as to not create glare or light spillage onto neighboring properties or abutting public street rights-of-way. A site lighting plan must be submitted for staff review and approval prior to the issuance of occupancy permits. Note, proposed site lighting must be provided in accordance the requirements of the Landscaping, Screening and Lighting Manual.
 - j. Proposed site development must be implemented in substantial accordance with site development and building plans submitted by Macris, Hendricks & Glascock, P.A. and Grimm Parker Architects respectively.
 - k. Proposed site development must be implemented in accordance with previously approved Special Exception SPX2009-00378 and all conditions of approval as imposed by the Board of Appeals in its decision of Approval of January 19, 2010.
2. The Department of Public Works (DPW) requires the following information be provided and/or action taken:
- a. Submission, for the review and approval of the Department of Public Works (DPW), of the following detailed engineering plans, studies and supporting computations as well as appropriate check-lists and permit applications:
 - i) Sediment control plans for all disturbed areas;
 - ii) Stormwater Management (SWM) plans;

iii) Public improvement plans, including but not limited to storm drain systems, streets, streetscape and sidewalks for public use, signage and marking, water and sewer systems, maintenance of traffic and street lighting.

All detailed engineering plans must be submitted on 24" x 36" sheets, at 1"=30' scale or as approved by the Department of Public Works.

b. Stormwater management for the property shall be in compliance with the SWM concept approval letter dated March 2, 2010, as may be amended by DPW.

c. Post bonds and obtain permits from the Department of Public Works (DPW) for public improvements, stormwater management and sediment control.

d. Below grade excavation shall be dewatered per DPW sediment control requirements to an acceptable outfall during construction.

e. Comply with all conditions of the DPW Water and Sewer Authorization letter dated June 3, 2010, as may be amended by DPW.

f. The applicant shall submit for review and approval by DPW, a phasing plan for pedestrian access, construction access, staging and parking. A pedestrian access plan for the construction period shall include, but not be limited to, the methods of maintaining pedestrian safety and access on the existing sidewalks, temporary closing of sidewalks for work in the streetscape zone, and pedestrian detours, as well as efforts to minimize closure of sidewalks. This plan shall be approved prior to issuance of the DPW permit.

g. The utility and light pole adjacent to the proposed driveway for Lot 7 must be removed or relocated to provide 5-foot safe clearance.

h. Improvements to Out-lot A and B, and Lots 3, 4, 5, 6 and 7 must be fully implemented prior to the occupancy of Lot 2 or prior to the occupancy of the individual single family lots, whichever comes first. These improvements include the driveways, stormwater management elements, landscaping, pavement removal, restoration, utility and light pole modifications, fencing, emergency access, and water meter relocations.

- i. An agreement or easement in a form acceptable to the City Attorney must be recorded to allow storm drain pipe connections from the single family lots into the Lot 2 storm drain system.
- j. The proposed easement (storm drain, stormwater management and forestry) locations shall be consistent with the detailed engineering plans and final forest conservation plan.
- k. All easements must be reviewed and approved by the City Attorney and recorded prior to DPW permit issuance.
- l. Localized grading and storm drain appurtenances (two inlets and pipes) on the Courts of Towne Center Homeowners Association property, within the abandoned Mount Vernon Place ROW, must be coordinated with the property owner and approved by the City Forester and Public Works.
- m. The two proposed inlets within the abandoned Mount Vernon Place right-of-way may be removed or relocated based on discussions between the property owner of Courthouse Walk and the applicant (Victory Housing Inc.).
- n. 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 plans shall be submitted to DPW and approved by the Chief, Traffic and Transportation Division. (This plan shall be approved and included in the signature set.)
- o. The applicant shall provide 1 bicycle rack (2 short-term spaces) and 1 bicycle locker (2 long-term spaces). A locked bicycle room with racks or a covered locked cage is required for long-term storage. Short-term spaces are considered to be an inverted "U" bicycle rack and must be spaced four feet apart. These spaces shall be provided at a safe and secure location approved by DPW during the detailed engineering stage. Bike lockers and racks must be installed prior to issuance of the occupancy permit.

p. The sidewalks along Maryland Avenue and Fleet and Monroe Streets shall be constructed and installed per the City Code requirements prior to issuance of the occupancy permit.

q. A vehicular turnaround in the private driveway for lot 1 is required to provide safe ingress/egress to Maryland Avenue.

3. The City Forester requires the following:

a. Submit for review and approval the Final Forest Conservation Plan (FCP).

1. The Final FCP shall be based on the Preliminary FCP and provide tree planting consistent with the Preliminary FCP.

2. The Final FCP will be reviewed concurrently with the detailed engineering drawings that are submitted to the Department of Public Works.

i. All improvements required by the Department of Public Works must be shown on the Final FCP.

ii. Any additional trees that require replacement under the FTPO must be planted on site.

3. All trees shown on the Final FCP must be installed by the date requirements of the FTPO.

i. The areas where driveway removal is occurring on the historic lots must be tilled to a depth of 18" with topsoil prior to tree planting.

4. The Landscape Plan shall match the landscaping shown on the Final FCP.

b. The initial non-native and invasive plant removal and evergreen tree planting must be completed no later than 6 months after issuance of the Occupancy permit for the senior housing facility. After the initial non-native and invasive

plant removal and tree planting, the City Forester may require the applicant to plant up to 12 additional evergreen trees and 60 shrubs to supplement the screening between the properties.

- c. Obtain a Forestry permit from the City Forester prior to release of the Building permit.
4. The applicant must submit a final record plat for Planning Commission review and approval. Note, the final record plat must be in substantial accordance with the project's Site Plan STP2010-00034 and Preliminary Subdivision Plan PLT2009-00498.
5. The applicant shall comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a completed application and any additional information requirement prior to issuance of a building permit and fulfill the art requirement prior to issuance of an occupancy permit. Any market rate units are subject to the ordinance

REQUIRED FINDINGS:

In accordance with Section 25.07.01.3. of the Ordinance, a site plan application may be approved only if the applicable approving authority (i.e., the Planning Commission) finds that the application will not:

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

Based on available information, senior housing on the subject property will not adversely affect the health and safety of residents in the area. The property is located within the Town Center Planning Area, and located in the MXT (Mixed-Use Transition) Zone. The proposed apartment building for independent elderly residents will serve as a transitional land use between the City and County governmental uses to the north and northwest, the office and single family detached dwellings to the east and southeast, the attached single family dwellings (town homes) to the south, and single family detached dwellings to the west and southwest.

Based on the Transportation Report that was submitted with the special exception request, the proposed site use will not generate greater than thirty (30) peak hour

vehicle trips, hence the applicant is only required to do a formal on-site analysis. The trip generation rate for the proposed elderly housing facility and historic dwellings is lower than the trip generation of a number of other permitted uses that could be located on this 4.26-acre site. The applicant has affirmed that a facility of the size proposed for Victory Court, would employ the following: a) one full-time property manager, b) one part-time assistant manger, c) one full time maintenance supervisor, and d) one-part time janitor.

As illustrated on the site's forest conservation plan, trees located in the southwestern area, and a portion of the southern most area of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced (See Exhibits 3 & 4). Also, any stormwater impacts generated by the site development will have to be mitigated by the applicant. As noted, stormwater management (SWM) for this project will be provided per the stormwater management concept approval letter dated March 2, 2010.

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

Based on all of the evidence and information provided the proposed site use will not be detrimental to the public welfare or adversely impact neighboring land uses. The applicant has addressed the staff concerns to ensure that development complies with the City's Forest and Tree Preservation Ordinance, stormwater management requirements, and all applicable Zoning Ordinance requirements.

Under the proposal as submitted, staff has found no evidence that the use as proposed will constitute a nuisance because of traffic or the number of people that would reside or be employed by the site use. As noted the site use will not generate greater than 30 peak hour trips. The site is located within the Town Center Planning Area, which provides convenient access to shopping, dining, public and private services, and access to public and mass transportation. Under the proposal as submitted, there will be 41 two-bedroom units and 45 one-bedroom units. Since this facility is being designed for independent seniors, the applicant affirms that a number of residents will maintain and have use of their personal vehicles on site. For those who have use of a private vehicle, it is highly likely they will use their automobiles for their travel needs. Other residents, dependent upon their health and physical abilities, will likely be more reliant upon public transportation or family and friends for their travel needs. However, based on

all available information staff has found no evidence the proposed senior housing facility would generate excessive noise or physical activity deemed to be a nuisance or harmful to the community or surrounding land uses.

Overburden existing and programmed public facilities as set forth in Article 20 of the Ordinance and as provided in the adopted Adequate Public Facilities Standards;

The APFO tests the capacity of public facilities based on current and projected data available at the earliest stage of the development process. Once a development project is approved, capacity of public facilities required by that project is reserved, provided the project remains on its service commitment, as determined at the time of project approval. In its approval of SPX2009-00378, it was the determination of the Board of Appeals that the proposed site use will not overburden site area roadways and streets, public schools, or water and sewer services.

Certain classes of land uses are deemed to have little or no impact on some or all public facilities. The proposed site use, i.e., Housing for the Elderly and Physically Handicapped, or for other age-restricted residential uses, is one such use eligible for a waiver from the APFO requirements. As such, the deciding body (i.e., the Board of Appeals) in its consideration of SPX2009-00378 was authorized to waive full compliance with the APFO provisions, if it found there would be minimal adverse impact resulting from such a waiver. However, such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

In accordance with Article 20 and the APFO standards of the Zoning Ordinance, Housing for the Elderly and Physically Handicapped, falls in the class of uses eligible for a waiver from the APFO requirements. Thus, the Board of Appeals granted a waiver to the APFO requirements pertaining to public school capacity, since no children will reside at the proposed senior housing facility. However, as noted, said site use is not exempt from the adequacy check for water and sewer services. Thus, at this initial stage in the development review process, the Department of Public Works (DPW) has determined that the existing 8-inch sewer main in Monroe Street is adequate to provide necessary sewer service for this project. However the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at Fleet Street and the Courthouse Walk townhouse community. The subject property would be served from this upgraded water main in Monroe Street. Thus, with

these noted improvements and/or upgrades the proposed site use is not expected to overburden said public facilities within the site area.

The traffic impact statement was submitted in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new development projects. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well on Transportation Demand Management (TDM) programs. The purpose of the CTR process is to ensure that adequate transportation facilities exist during and after a development project.

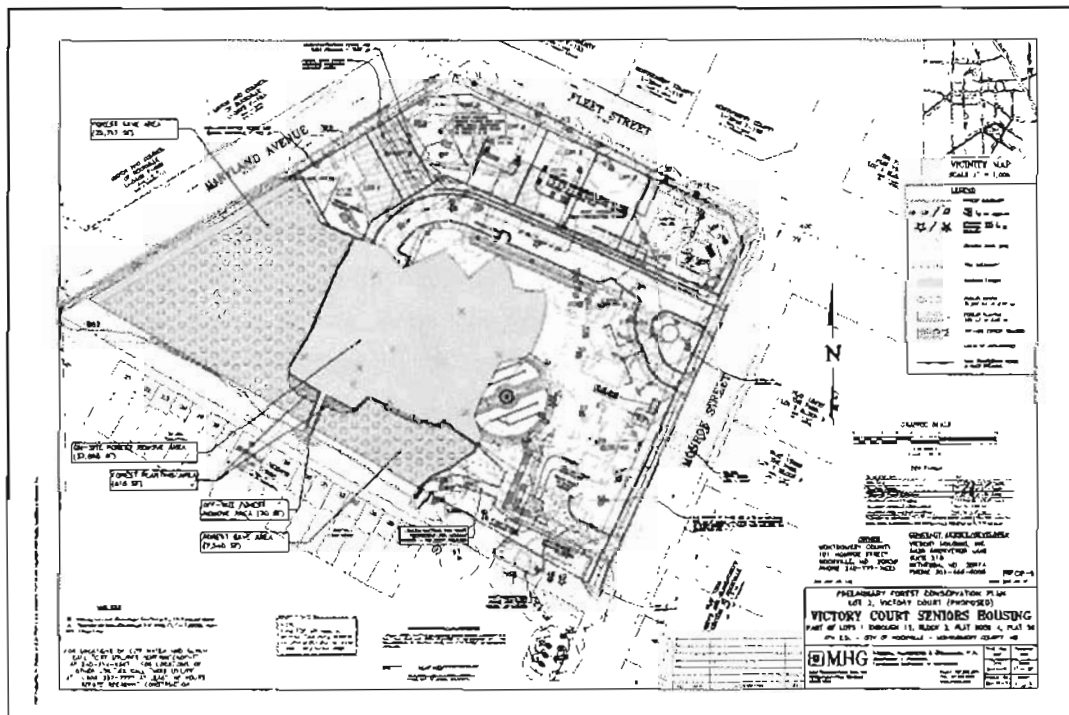
As previously noted, the proposed use will not generate greater than thirty (30) peak hour vehicle trips and as such, will not substantively alter or change vehicular traffic flow movements in and around the site area. The use will have vehicular access onto Monroe Street, with restricted access onto Maryland Avenue, that can be used only by emergency equipment, i.e., fire and rescue services. At the project's detailed engineering stage, staff will work with the applicant to determine the ultimate design of street frontage improvements that will be required along Maryland Avenue, Fleet Street, and Monroe Street.

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

The proposed site development will require the applicant to plant and install trees and other plantings, thus serving to enhance the natural environment of the site area. Staff has found no evidence the use will be contrary or adversely impact the surrounding natural environment. The use as planned will not produce or emit any toxic fumes or gases, objectionable levels of noise, impede sunlight or the natural flow of air within the subject site area.

Throughout the processing of the site's special exception and now site plan application, it has been acknowledged that a substantial amount of the existing forested area of the site will have to be removed to accommodate the land use as proposed. The applicant's proposed landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials, to ensure the site development complies with applicable requirements of the Forest and Tree Preservation Ordinance.

As illustrated on the applicant's forest conservation and landscape plans, the tree cover located in the southwest corner of the site would be retained. The plans also show that the mature tree cover located along the site's southern tract boundary adjacent to the neighboring town homes, would also be retained under the land use and development proposal. Retention of those tree-covered areas, would continue to act as a visual and vegetative buffer between the subject site development and the neighboring town homes to the south. Along that segment of the southern site tract boundary where mature trees and vegetation would have to be removed to accommodate the site development, the applicant proposes to install replacement trees and supplemental plantings, which also serve as a buffer between the proposed site development and neighboring land uses. While it is understood that the replacement trees and plantings will not provide the level of screening that the existing site vegetation currently affords to the neighboring homeowners to the south, such new plantings will in time mature and serve the intended purpose.



Preliminary Forest Conservation Plan

Be in conflict with the Master Plan;

As per Section 25.13.02 of the Zoning Ordinance, the MXT Zone is “intended for areas that are located between moderate or high-density development and single unit detached residential neighborhoods.” As such, land uses that are permitted by right and/or by special exception in the MXT Zone are deemed to be transitional land uses that are allowed to be located between single family residential detached and attached dwellings, office, institutional and other limited commercial land uses.

It was the determination of the Board of Appeals in its granting of SPX2009-00378 that the proposed use of the subject property for multifamily residential development was and is consistent with the intent of the Master Plan’s land use designation of the site. Lastly, it is important to note that in accordance with Section 25.15.01.a.2.(a) of the Zoning Ordinance, one of the many findings that the Board of Appeals is required make in its consideration for approving a special exception is that *“the proposed use does not adversely affect the Master Plan, Zoning Ordinance, or any other applicable law.”*

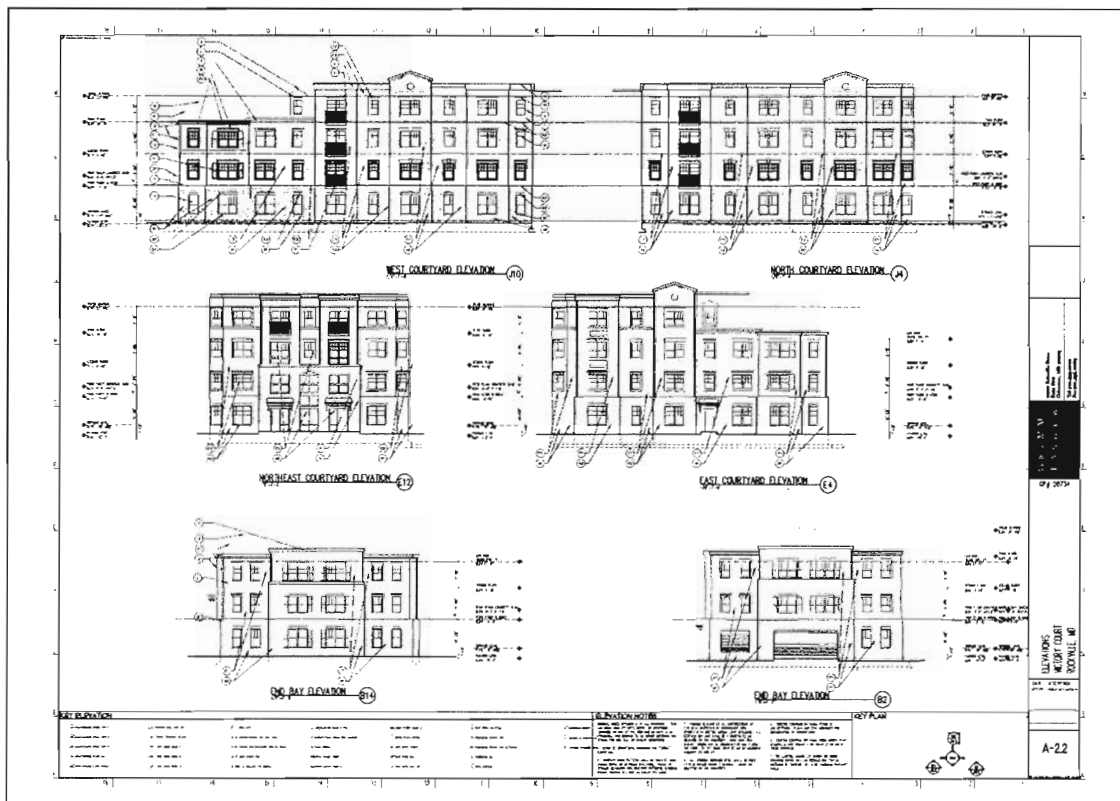
Constitute a violation of any provision of the Zoning Ordinance or other applicable law; or

The site plan was submitted in accordance with previously approved SPX2009-00378 and based on the plans as submitted, the development application is not in violation of any provision of the Zoning Ordinance or other applicable law. The site use complies with applicable building setback requirements, the 39 foot building height limit as allowed by the Board of Appeals, site lot coverage, and parking requirements.

Be incompatible with surrounding uses or properties.

The proposed three to four-story senior housing facility will be approximately 97,049 square feet in size, 39 feet in height, and of masonry and frame construction. As previously noted, the site is bounded to the west and north by City and County governmental land uses, to the east by office and single-family detached dwellings, and south by single family attached dwellings. Due to their site placement along Fleet Street and Maryland Avenue, the site’s historic district homes coupled with the planned site use will serve as a transition between the site and the City and County governmental land uses located to the north and northwest, and the residential attached dwellings

(i.e., town-homes) to the south. Based on the range of land uses, i.e., governmental, institutional, office, residential, etc., that are located within the immediate site area, the proposed establishment of the senior housing facility would not be structurally incompatible with surrounding uses nor would it change the character of the neighborhood, with regard to the type and level of services that are currently required and/or is being provided within the site area.



Proposed Building Elevations

The proposed apartment building for elderly residents will be located well over 100 feet from the closest residential dwelling to the south or southeast of the subject property. In accordance with the Board of Appeals approval of SPX2009-00378, the building will be approximately 39 feet in height as measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof. The building will be 4 feet in excess of the 35-foot height limit allowed in the MXT Zone, and the RMD-10 (Residential Medium Density) zone of the neighboring Courthouse Walk town homes, due to the height waiver granted by the

Board of Appeals. The proposed building has been redesigned to more closely resemble townhomes.

HISTORIC DISTRICT RECOMMENDATION:

On May 20, 2010, the Historic District Commission (HDC) reviewed the subject Site Plan application for elements within the Rockville Heights Historic District for a Certificate of Approval, and other elements for compatibility with the historic district in order to provide a recommendation to the Planning Commission. With regard to the Site Plan Certificate of Approval, the HDC approved the proposed site landscape plan for plantings within the historic district, with the added condition that there should be additional plantings for screening at the rear of Lot 1 that would serve as a buffer to the adjacent parking lot for Victory Court. The HDC noted that overall this will reestablish a landscape buffer between the historic district and the proposed new senior housing facility. Also, the HDC voted to approve a modification of the proposed shared-use path along Fleet Street, i.e., to remove it entirely from the historic district.

Based on the information provided, the HDC recommended the following: a). The City should maintain street trees along the site's Fleet Street frontage, and b). The shared-use path proposed along the site's Fleet Street frontage should be designed as an ADA compliant sidewalk, no wider than 48 inches with brick pavers, consistent with its location adjacent to a historic district.

PUBLIC OUTREACH:

In accordance with requirements of the Zoning Ordinance, the applicant held a pre-application area meeting on January 28, 2010 and a post-application area meeting on April 22, 2010 to provide interested parties an opportunity to hear and ask questions about the proposal. Notification letters were sent by the applicant to properties within the subject site area, per the requirements of the Zoning Ordinance.

Letters of notification were sent to property owners in the notification area informing them of the application request, pending Planning Commission meeting, at which time the development proposal will be publicly heard and considered. A list of addressees, as submitted and provided by the applicant, to whom notices were sent/mailed is contained in the project's application file, available for public review.

CONCLUSION:

Based upon the findings presented, staff recommends that the Planning Commission approve Site Plan STP2010-00034 subject to the conditions referenced in this staff report.

ATTACHMENTS

List of attachments:

- Attachment "A" – Board of Appeals Approval Decision
- Attachment "B" – Stormwater Management Concept Letter
- Attachment "C" – Water & Sewer Authorization Letter
- Attachment "D" – Historic District Commission Recommendation
- Attachment "E" – PAM Notification Letter
- Attachment "F" – Area Meeting Notification
- Attachment "G" – HDC & PC Notification Letter
- Exhibits "1 & 2" – Cover Sheet and Proposed Site Development Plan
- Exhibit "3 thru 5" – Proposed Preliminary Forest Conservation Plans
- Exhibit "6 & 7" – Elevation Drawings
- Exhibit "8 & 9" – Floor Plans

STP
2/09



Application for
Site Plan Application

RECEIVED
FEB 24 2010
COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

City of Rockville
Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850
Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Type of Application:

Site Plan 1 Site Plan 2 Site Plan 3 Site Plan Amendment (major) Site Plan Amendment (minor)

Please Print Clearly or Type

Property Address information 209 Monroe Street, Rockville, MD 20850
Subdivision Rockville Heights Lot (S) 2 Block _____
Zoning MXT Tax Account (S) See attached list

Applicant Information:

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

Applicant Victory Housing, Inc. 5430 Grosvenor Ln., Suite 210, Bethesda, MD 20814 Attn: Jeff Blackwell
P: 301-493-6000 E: blackwell@victoryhousing.org

Property Owner Montgomery County 100 Maryland Avenue, 4th Fl. Rockville, MD 20850 Attn: Alisa Wilson
P: 240-777-3600 E: alisa.wilson@montgomerycountymd.gov

Architect Grimm + Parker Architects 11720 Beltsville Drive, Suite 600, Calverton, MD 20705 Attn: Logan Schutz
P: 301-595-1000 E: lschutz@gparch.com

Engineer Macris Hendricks & Glascock, PA 9220 Wightman Rd., #120, Montgomery Village, MD 20886 Attn: Mike Plitt
P: 301-670-0840 E: mplitt@mhgpa.com

Attorney Miller Miller & Canby 200-B Monroe Street, Rockville, MD 20850 Attn: Jody Kline
P: 301-760-5212 E: jskline@mmcanby.com

Project Name Victory Court Seniors Housing
Project Description 86-unit, 3-story Affordable Seniors Housing Apartment Building & Associated Parking

STAFF USE ONLY

Application Acceptance:		Application Intake:
Application # <u>STP2010-00034</u>	OR	Date Received <u>2-24-10</u>
Pre-Application _____		Reviewed by _____
Date Accepted _____		Date of Checklist Review _____
Staff Contact <u>C.P.C.</u>		Deemed Complete: Yes <input type="checkbox"/> No <input type="checkbox"/>

TO BE COMPLETED BY APPLICANT:

Proposed Post Submission Area Meeting Date April 22, 2010

Location To be determined

Level of review and project impact:

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

Tract Size 3.31 acres, # Dwelling Units Total 86 Square Footage of Non-Residential 0

Residential Area Impact 37 %

Traffic/ Impact/trips Less than 30

Points/Elements	1	2	3	4	Points
Tract size - Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	
Dwelling Units	5 or fewer	6 to 50	51 to 150	151 or greater	
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 10,000 square feet	10,001 to 50,000 square feet	50,001 or greater square feet	
Residential Area Impact	No residential development in a residential zone within 1/4 mile of the project	35% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	65% of area within 1/4 mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	
Traffic Impact - Net new peak hour trips	Fewer than 30 trips	30-74 trips	75-149 trips	150 or more trips	
Points Total*					Not Applicable
The total of the points determine the level of notification and the approving authority .					

BASED ON THE IMPACT TOTAL YOUR PROJECT WILL BE:

- Site Plan Level 1 (6 or fewer pts)
 Site Plan Level 2 (7-9 pts)
 Site Plan Level 3 (10-12 pts)
 Site Plan Amendment – Major
 Site Plan Amendment - Minor

Proposed Development:

Retail _____ Sq. Footage Detached Unit _____ Parking Spaces 52
 Office _____ Sq. Footage Duplex _____ Handicapped 3
 Restaurant _____ Sq. Footage Townhouse _____ # of Long Term _____
 Other Residential: 95,398 Sq. Footage Attached _____ # of Short Term _____
 Multi-Family _____
 Live _____
 MPDU _____
 Bicycle Parking: # Long Term 2 # Short Term 2 Total # Provided 4

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

Previous Approvals: (if any)

Application Number	Date	Action Taken
SPX2009-00378	January 20, 2010	Approved with conditions

A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this application.


Please sign and date _____



VICTORY HOUSING, INC.
FLEET STREET

<u>Property Description</u>	<u>Tax I.D. No.</u>
Part of Lots 1 and 2, Block 2, assessed as 30,214 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205053
Part of Lot 3, Block 2, assessed as 15,210 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205042
Part of Lots 4 and 5, Block 2, assessed as 23,108 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204993
Part of Lots 6 through 13, Block 2, assessed as 42,034 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-205007
Part of Lots 7, 9 and 11 through 13, Block 2, assessed as 57,111 square feet, Rockville Heights, Plat Book A, Plat 56	4-225-204947

VICTORY COURT SENIOR HOUSING PROJECT - SITE PLAN APPLICATION

PROJECT NARRATIVE

Petitioner Victory Housing, Inc., on behalf of a to-be-formed entity, hereby submits this Site Plan Application implementing approved Special Exception Case No. SPX2009-00378, to develop and operate an 86-unit affordable housing community for independent elderly residents in the City of Rockville to be known as “Victory Court.”

The subject property is located in the Rockville Heights subdivision, on a block that is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east and the “Court House Walk” townhouse community on the south. The property is classified in the MXT (“Mixed-Use, Transition”) zone. The proposed senior housing community will be sited on a new lot (to be created in a companion Preliminary Plan of Subdivision application) that consists of approximately 3.47 acres of land owned by Montgomery County, Maryland. Principal access to the property will be from a driveway on Monroe Street.

PARTIES

The owner of the property, Montgomery County, Maryland, entered into an Option to Lease agreement with Victory Housing, Inc. (VHI), the principal sponsor of this project. A formal Ground Lease between the parties will be entered into at a later date.

Victory Housing is the nonprofit housing development arm of the Archdiocese of Washington. VHI’s mission, in part, is to provide housing for low- and moderate-income independent elderly households. VHI takes the role of developer and owner on all of its

developments. It currently operates seven assisted living facilities, including six in Montgomery County. VHI has also developed 13 other properties in the Metropolitan Washington area, including six in Montgomery County.

VHI has an excellent reputation for providing affordable housing for the elderly and is the recipient of numerous state and local awards.

OPERATIONS

The proposed affordable housing community will include a combination of 86 one- and two-bedroom apartments for independent elderly households. Victory Court will include amenities on the ground floor such as a community room, living room, TV room, arts & crafts room, wellness center, computer room, and an exercise room. In addition, residents will have access to a landscaped courtyard and outdoor seating area. A third-party management company will be retained to oversee the daily operation of the community.

However, in Petitioner's experience, a community of the size proposed for Victory Court is anticipated to require the equivalent of three (3) full-time staff positions on-site. Staffing for the community is anticipated to be as follows: one full-time property manager, one part-time assistant manager, one full-time maintenance supervisor, and one part-time janitor. Office hours will be approximately from 9am to 5pm, Monday through Friday.

Finally, residents will be advised that generally move-in/out activities are limited to between the hours of 9am and 5pm in order to minimize potential disturbance to other residents.

COMPLIANCE WITH ZONING ORDINANCE REQUIREMENTS

The proposed project complies with all requirements of the Zoning Ordinance as follows:

1. MXT Zone Design Standards

Housing for senior adults and persons with disabilities are permitted by special exception in the MXT Zone with its own development standards set forth in Section 25.15.02.j. Victory Court will comply with all of the specific development standards for the proposed use which are not inconsistent with the Special Design Regulations for the MXT Zone established in Section 25.13.07.g, all of which the proposed buildings satisfies.

2. Layback Slope

Pursuant to Section 25.13.05.b.2(d)(i), the layback slope requirement is not applicable to the MXT Zone.

3. Landscape, Screening and Lighting Manual

The landscape and lighting plans which are part of the Applicant's submission show a rich combination of plantings that both accentuate certain features of the project while screening it from off-site views where appropriate. Lighting fixtures, and their placement, were chosen because of their appropriateness in close proximity to surrounding uses, both residential and non-residential, and for their ability to provide lighting appropriate for

the senior resident population while not causing glare or spillage of light onto adjacent residential properties.

4. Adequate Public Facilities Ordinance

As a senior housing community, Victory Court will have minimal peak-hour trips as supported by the attached Comprehensive Transportation Review Statement, and will have no impact on area schools.

5. Parking

The base requirement for parking spaces for the Victory Court Project is 1 space per 3 units, or 29 spaces. However, based on VHI's experience and the fact that the community will be designed for independent seniors, the Petitioner believes more parking is warranted. Therefore, a total of 52 parking spaces are proposed – 36 surface and 16 structure parking spaces.

6. Shadows

The requirements of Section 25.17.06 relative to shadow regulation are not applicable in the MXT Zone.

7. Signs

A community entrance sign is proposed to be located within the landscaped island located at the main entrance drive off of Monroe Street as indicated on the detailed site plan. This sign will be discreet and appropriate for its location.

8. Public Use Space Requirements

Pursuant to Section 25.17.01.e, projects consisting of entirely affordable housing units and/or housing for senior adults are exempt from the public use space requirements.

9. Impervious Surface Requirements

There are no maximum impervious surface limits applicable in the MXT zone.

10. Water and Sewer Information for Hydraulic Review

Public water and sewer mains are available in the adjacent public streets. Private connections will be made to the existing public water and sewer mains located in Monroe Street. A private fire hydrant will be installed on site.

SUMMARY

Victory Court will be well-located so that residents can take advantage of the myriad of opportunities available in Rockville, including shopping, personal services, health care, professional services, dining opportunities and cultural sites. The fact that the property will provide housing for independent seniors means that there will be no impact on schools. The project is designed to be complementary with the existing topography and the scale and context of the surrounding community.



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing Division
 240-314-8200

-Notice-

January 20, 2010

Persons Who Are Parties of Record

**Re: Special Exception Application SPX2009-00378
 Victory Housing Inc. 209 Monroe Street, Rockville, Maryland 20850**

To Whom It May Concern:

The City of Rockville Board of Appeals has adopted the attached Amended Decision, approving Special Exception Application SPX2009-00378.

The Board adopted its original Decision in this matter on January 9, 2010. A technical error was discovered prior to mailing the original Decision to all interested parties. Thus, an Amended Decision was adopted by the Board of Appeals to correct Condition #17 of the approval. The language at issue changed as follows:

#17. The roof height shall be 39 feet or less, measured from the street grade elevation of Monroe Street ~~elevation at the center~~ opposite the middle of the front of the building to the ~~mean height of the highest roof section~~ highest point of the roof surface of the flat roof.

In addition, corrections were made to the signature lines of the Board Members to reflect that Alan Sternstein was the Chair of the Board at the time the decision was adopted.

This Notice is being issued in accordance with Section 25.05.06 of the City's Zoning Ordinance. All reconsideration rights and rehearing rights pursuant to the Board's Rules of Procedure run from the date of this notice. All appeals initiated in accordance with Title 7, Chapter 200 of the Maryland rules, run from the date of this notice.

Cordially,

R. James Wasilak
 R. James Wasilak, AICP
 Chief of Planning

/cdc
 Attachment

MAYOR
 Phyllis Marcuccio

COUNCIL
 John B. Britton
 Piotr Gajewski
 Bridget Donnell Newton
 Mark Pierzchala

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Debra Yerg Daniel

IN THE MATTER OF THE APPLICATION
OF VICTORY HOUSING, INC.,
FOR A SPECIAL EXCEPTION
TO CONSTRUCT AND OPERATE
AN 86-UNIT APARTMENT
BUILDING FOR INDEPENDENT
ELDERLY RESIDENTS

SPECIAL EXCEPTION
APPLICATION SPX2009-00378

BOARD OF APPEALS AMENDED DECISION

BACKGROUND

On June 4, 2009, the law firm of Miller, Miller, and Canby, on behalf of Victory Housing, Inc. (known herein as the applicant), submitted an application in accordance with Section 25.07.02 of the City of Rockville Zoning Ordinance for Special Exception SPX2009-00378. The applicant has entered into an Option to Lease agreement with Montgomery County Government, the owner of the properties subject to the special exception request. The properties are to be developed for use and operation of an 86-unit senior housing facility for independent elderly residents. Three (3) full-time employees will staff the multifamily building. The site is zoned Mixed Use Transition (MXT).

The subject property is bordered by Maryland Avenue on the west, Fleet Street on the north, Monroe Street on the east, and an unimproved public right-of-way (known as Mount Vernon Place) running between Maryland Avenue and Monroe Street on the south. The site is bounded on the west and north by City and County governmental land uses, to the east by office, institutional and single-family detached residential land uses, and to the south by attached single-family dwelling units, known as the Courthouse Walk townhouse development.

PLANNING COMMISSION RECOMMENDATION

On August 4, 2009, the City of Rockville Department of Community Planning and Development Services issued a Staff Report, which provided an assessment of the land use request and its conformance with applicable requirements of the Zoning Ordinance and other laws relevant to the proposed special exception request. Thereafter, at its meeting on August 12, 2009, the City of Rockville Planning Commission reviewed and considered the subject application request. After much discussion, the Commission concluded its discussion on the request and voted unanimously to recommend that the Special Exception use be approved by the Board of Appeals, subject to the conditions referenced in the staff report. The Commission further made the following recommendations to the Board of Appeals: 1) that Rockville residents be given preference as tenants of the proposed senior housing complex; 2) that staff clarify site, height, and setback measurements; and 3) that the amount of on-site parking be studied extensively, as the applicant's proposal substantially exceeds the required number of parking spaces.

BOARD OF APPEALS HEARINGS

On September 12, 2009, this matter came before the Board of Appeals for a public hearing, at which time testimony and evidence were presented by the applicant and persons supporting and opposing the Special Exception request. After considerable testimony, the Board voted to continue its public hearing on this matter to the next regularly scheduled meeting of October 3, 2009. The Board also voted to leave the public record open for two weeks (through September 28, 2009), to allow for the submission of additional information. The Board specifically requested the applicant conduct a balloon test that would illustrate the height of the proposed building, the results of which and comments on which the Board agreed to accept after the September 28 date for additional submissions. The Board also requested the applicant provide an explanation of the extent to which the roofline of the building could be lowered, without compromising capacity but disregarding design wishes. The Board also sought an explanation of the costs of such a redesign. The Board agreed that the continuation of the public hearing would be limited to testimony regarding the balloon test, redesign of the roofline, and closing arguments.

Following the September public hearing, the Board received a request to extend the date to close the public record and a request to reschedule the time of day for the October continuation of the public hearing. After considering both requests, the Board decided to postpone the October 3 meeting until the November 7, 2009. The Board further agreed that the public record would remain open until October 16, 2009 for submission of information regarding possible redesign of the roofline of the building and that the public record would remain open until October 23, 2009 for submission of the results of and comments on the balloon test. In addition, the Board requested a memo from staff to explain how height is measured.

At its November 7, 2009 session, the Board continued its public hearing of the special exception request, to receive and consider additional information that it requested at its September 12 meeting. Specifically, at the November public hearing, the applicant and its consultants presented an overview of the balloon test that was conducted on October 21, followed by presentations on possible redesign of the proposed building's roofline. During the applicant's presentation and discussion, respective Board members asked a number of questions of both the applicant and staff. After the applicant's supplemental presentation, the Board heard testimony and considered additional evidence from neighboring residents in opposition to the Special Exception request. These residents presented their view of the balloon test and options for lowering the height of the building. The Board also heard testimony from residents supporting the project.

After hearing and considering all of the evidence and testimony provided, the Board of Appeals entered into a public work-session to discuss and decide the request. At the conclusion of the Board's work session on November 7, 2009, the Board voted unanimously (3 to 0) to direct staff to prepare a draft written decision and opinion,

tentatively approving the Special Exception, subject to certain conditions. However, it was the decision of the Board that the final decision in this matter would be delayed pending development and review of building plans and elevation drawings showing (i) the proposed building's roof line reduced by five (5) feet and (ii) building plans and elevation drawings showing the proposed building's roof designed as a flat roof. The applicant was directed to submit these additional drawings to city staff and Norman Knopf, attorney representing the neighboring property owners opposing the project in a timely manner, ready for the Board's review and consideration at its December 5, 2009 meeting. The applicant made these submissions and alternative proposals, which the Board considered at its December 5 meeting, in rendering its final decision, now set forth in this opinion.

PROPERTY DESCRIPTION

The site contains a collection of deeded properties, owned by Montgomery County Government, located within the Rockville Heights subdivision. The properties collectively total 3.47 acres (151,197 square feet) and are zoned for Mixed Use Transition (MXT) land usage. There are five houses currently located near the subject site, which make up the Rockville Heights Historic District, four that front Fleet Street and one other facing onto Maryland Avenue. The site also contains four other houses that front Monroe Street but are not located within the Historic District.

A July 16, 2009 Historic District Staff Report describes the Rockville Heights Historic District as an intact collection of early 20th century residential architecture of varying styles. The district borders the Town Center and is reminiscent of the small town land use patterns that characterized Rockville's environment prior to WWII. The Rockville Heights Historic District is located at the northern end of the Rockville Heights subdivision, platted in 1890. Homes date from 1904 to 1936, and together, they present an early 20th century streetscape, reflecting the early residential character of this part of Rockville, where commercial, office and governmental uses now dominate. The dwelling structures and accompanying properties were acquired by the County in the 1960s and have been used for offices.

In addition to the noted structures that are located on the subject site, the 3.47-acre site contains approximately 1.45 acres of forest, containing an array of mature trees, shrubs, and hedges, and flowering and non-flowering plants, wide-ranging in species and size. The site's topography ranges from relatively flat to gradual and pronounced sloping. The surface grades, however, in and around the dwellings located along Monroe Street, Fleet Street, and on Maryland Avenue are relatively flat. The site surface grades located along all street frontages are somewhat higher than those that make up the overall site.

TESTIMONY AND EVIDENCE IN SUPPORT OF APPLICATION

Victory Housing Inc. proposes to develop and operate an 86-unit senior housing facility for independent elderly residents in the City, to be known as "Victory Court". At the

initial September 12, 2009 public hearing, the applicant's attorney, Jody Kline described various aspects of the planned use and its operation.

The four dwellings now located on Monroe Street would be razed and those located on Fleet Street and Maryland Avenue located in the Rockville Heights Historic District, would remain. Although the dwellings, which are located within the Historic District, are shown on the site development plans submitted with the subject special exception request, they are not included in the special exception request land use proposal.

As proposed, the senior housing complex would have had a roofline approximately 47 feet tall and would have consisted of four (4) levels, i.e., a basement level and first, second, and third floors. The facility will contain 48 one-bedroom living units and 38 two-bedroom living units. The senior housing amenities will be located on the ground level and include a community room with a small kitchen, a living room, television room, arts & crafts room, computer room, exercise room, and a wellness center. Residents will have access to a landscaped courtyard and outdoor seating area.

The building will be located somewhat in the center of the site, with vehicular access onto Monroe Street. The front building entrance will be oriented facing Monroe Street at an angle. The building will be set back approximately 31 feet from the site's Monroe Street (eastern) property line, 37 feet from the site's current Mount Vernon Place (unimproved public right-of-way) (southern) property line, 180 feet from the site's Maryland Avenue (western) property line, and 59 feet from the northern property line, which is the rear yard property line of the abutting historic homes located within the Historic District.

During the September 12 public hearing, Mr. Kline noted that in an effort to address several of the concerns raised by the Planning Commission in August, the applicant had revised the proposed site plans, including elimination of a twelve (12) space parking lot located between Lot three (3) and Lot one (1), creation of an emergency access lane onto Maryland Avenue, and modification of the proposed Forest Conservation area.

The property owner, in conjunction with the applicant, also filed a "preliminary subdivision plan" (PLT2009-00498) and a "street closing and abandonment application" (SCA2006-00097). The referenced subdivision plan is pending action by the Planning Commission. The referenced street closing and abandonment application was approved by the Mayor and City Council and granted via adoption of Ordinance No. 30-09 on October 26, 2009. A copy of this Ordinance has been included in the record. Under the preliminary subdivision plan, the County-owned properties which now make up the site project area would be subdivided into seven new record lots, which is consistent with the proposed lots illustrated on the special exception site plan. The applicant is required to obtain both a preliminary subdivision plan and final record plat approval.

With regard to the Street Closing and Abandonment Application (SCA2006-00097), the applicant requested the abandonment of the entire public right-of-way of the segment of Mount Vernon Place, between Maryland Avenue and Monroe Street. In the Mayor and

Council's granting of this request, one-half of the property area within the right-of-way will be joined with the existing County-owned property. Staff has confirmed that the additional land area that the applicant will receive from the abandonment of this public right-of-way will enable the applicant to meet the forest conservation requirements on site. The right-of-way is approximately 60 feet wide, approximately 598 feet in length along the County's property and approximately 637 feet \pm in length along the Courthouse Walk townhouse development property line. The land area of the right-of-way, to be abandoned, is approximately 36,914 square feet in size, i.e., 0.847 acres.

Representatives from Victory Housing Inc. introduced an array of illustrations and drawings supplemented by testimony addressing appropriateness of the use, compatibility with adjacent site uses, building height, number of dwelling units and tree removal and replanting. At the conclusion of the applicant's presentation and discussion of the land use request, persons who wished to speak in opposition came forward as invited by the Board. In November, the Board received evidence and heard additional testimony regarding the balloon test and redesign of the roofline. It also heard closing argument from the applicant. As noted, at the Board's December hearing session, the applicant submitted revised renderings of rooflines and testimony regarding associated construction costs.

OPPOSITION TO THE PROPOSED SPECIAL EXCEPTION

At the September 12, 2009 public hearing, Norman Knopf, a principal with the Law Offices of Knopf & Brown, representing the adjacent homeowners association and several persons from nearby residential neighborhoods spoke in opposition to the proposed Special Exception.

Following Mr. Knopf's opening statement and identification of the concerns about the Special Exception request, Alice Liu, a Courthouse Walk resident, came forward to speak in opposition to the request. Ms. Liu provided both written and oral testimony, which was entered into the record, and also gave a power point presentation, which included photographs, graphical illustrations, and written points that highlighted various topics illustrating her points in opposition to the Special Exception. At the conclusion of her presentation and discussion of her testimony, other persons in attendance were allowed to speak in opposition to the Special Exception request. During the November 2009 continuation of the public hearing, Mr. Knopf and others presented testimony regarding their view of the balloon test and redesign of the roofline.

In addition to the oral testimony provided at the public hearing, written comments were submitted to the public record addressing concerns with the proposed project. Testimony and written comments in opposition to the Special Exception request contended the following: 1) the size of the site is too small to accommodate the proposed mass, height, and residential density of the proposed multi-family senior housing use; 2) the proposed building will be two and one-half stories taller than the neighboring townhomes to the south; ; 3) the proposed site use does not comply with the goals of the City's Master Plan, because it fails to scatter affordable housing throughout the city and fails to protect urban

forest, prevent environmental degradation, and provide green space; 4) the proposed site use will adversely affect the character of the neighborhood, by creating an incompatible mix of land uses and expanding the Town Center into the neighborhood instead of creating a transition; 5) the proposed site use is contrary to the Historic Preservation Ordinance and thus will adversely impact the abutting historic homes located along Fleet Street and Maryland Avenue; 6) the subject site should be preserved as an urban forest; 7) the proposed site use will adversely impact residential property values within the site area; 8) the layback slope as referenced in the City's Zoning Ordinance should apply to the subject site use and is too steep; 9) there is already sufficient affordable housing in the neighborhood; and 10) the establishment and operation of the senior housing use will adversely impact neighboring homeowners' enjoyment of their properties and quality of life.

SUPPORT FOR THE PROPOSED SPECIAL EXCEPTION

During the September and November public hearing a number of residents spoke in favor of the proposed Special Exception. In addition to the testimony presented at the public hearings, there were numerous written comments submitted to the public record supporting the proposed senior housing facility. Testimony and written comments in support of the proposed project noted the following: 1) there is a great need for affordable senior housing in the City; 2) the applicant has an established record of developing and operating quality senior housing communities throughout the metro area; 3) the City's 2002 Master Plan references the need for additional multi-family housing for senior citizens; 4) the site/location is appropriate for senior housing, due to its close proximity to public and private services and the mix of surrounding land uses; and 5) the proposed senior housing apartment will greatly increase the amount of affordable housing located within the neighborhood.

APPLICABLE LAW

A Special Exception is defined in the Rockville Zoning Ordinance as, "a grant of a specific use that would not be appropriate generally or without restriction and must be based upon a finding that certain conditions governing special exceptions as detailed in this Chapter exist, that the use conforms to the Plan, and that the use is compatible with the existing neighborhood." (Rockville Zoning Ordinance, Section 25.03.02.)

The applicant submitted the subject special exception request in accordance with Section 25.07.02. This application has been reviewed in accordance with the procedures found in Section 25.07.09. Thus, in accordance with Sections 25.15.01a and the additional requirements of Section 25.15.02.j of the City of Rockville Zoning Ordinance, the Board of Appeals makes the findings listed below. The Board of Appeals finds that a preponderance of the evidence in the record shows that:

(a) The proposed use does not violate or adversely affect the Master Plan (the Plan), Zoning Ordinance, or any other applicable law;

The Board finds that the applicant's request to develop the site as proposed will not be adverse to the Zoning Ordinance, the Master Plan, or other applicable law. The Rockville Town Center Master Plan designates the site for "Preferred Residential – Single Family Attached." The Proposed Zoning Map of the Master Plan recommended the zoning of the property as "R-30, Multiple Family, Low Density Residential" as implementation of the land use designation. With the adoption of the new Zoning Ordinance, effective on March 16, 2009, however, the property was rezoned to "MXT". Both the "MXT" district, and the earlier proposed "R-30" district, allow for Senior Housing as a Special Exception. Additionally, multi-family dwellings are consistent with the intent of the Master Plan designation and MXT Zone.

The proposed use serves as a transitional use between the medium-high intensity of the City Hall and County Government buildings to the north and east and the adjacent detached and multi-unit residential district to the south and west. This transition is in keeping with the intent of the MXT district, which according to the Zoning Ordinance is:

Intended for areas that are located between medium and high-intensity development and single-unit dwelling detached residential neighborhoods. This zone allows for development of multi-unit and townhouse residential development, and may include neighborhood-serving retail uses.

The MXT district allows for a broad variety of uses, including office, bank and apparel stores and different residential housing types. Multi-unit dwellings are conditional use in the MXT zone, and the Ordinance also allows special exception land uses, if it can be demonstrated that the requested use will not adversely impact neighboring land uses beyond what would otherwise be the impact of uses permitted in the zone by right. For the reasons set forth below, the Board finds that there will be no such impact from the Special Exception.

Section 25.15.02 of the Zoning Ordinance outlines Additional Requirements for Certain Special Exceptions. The applicant sought approval to allow the proposed senior housing facility to exceed the 35 feet height limit of the MXT Zone and to permit a building height of 47 feet. In accordance with Section 25.15.02.j.3(e) of the Zoning Ordinance, the Board of Appeals can grant a maximum height of 50 feet in its consideration of the request. With the exception of the request to exceed the maximum by-right height limit, at this initial stage in the development review process, the land use development proposal as submitted complies with applicable development standards of the Zoning Ordinance and the Master Plan.

The proposed site use and development is found to adhere to requirements of Section 25.13.07.g of the Ordinance (Special Design Regulations for Individual Mixed-Use Zones).

1. Building Location - Buildings in the MXT Zone should be located at or close to the front property line or the build-to-line where established by the Plan.

In accordance with the plans submitted, the site location of the proposed building facility does and will comply with applicable setback requirements of the zone, and is located close to the front property line along Monroe Street.

2. Uses by Floor – The ground floor may contain retail, public-related service, office, or residential uses. The upper floors may be additional retail, office, residential, or a combination of uses.

While the site use is classified as an institutional use, it is residential in operation and character, i.e., a multi-family residential building facility designed for independent senior citizens. As previously noted, the top three levels of the four-story building will contain the vast majority of the facility's one and two-bedroom living units. The ground level of the building facility will contain some living units and the majority of the facility's residential living amenities.

3. Façade – Building facades should be generally consistent with the façade designs in the immediate neighborhood. Roofs should have a pitch compatible with nearby single – unit residential development.

The building is residential in character and is designed with a flat roof with a parapet and several elements that are triangular in nature to “break” the simple flat roof design. Since there is an array of residential uses located primarily to the southeast, south and southwest of the site, there is no true uniform roof pitch predominant throughout. Comparing photos of the existing structures in the immediate neighborhood with the project rendering that the Applicant finally designed, the Board finds that this requirement will be satisfied.

The proposed building's exterior façade walls are not uniform and consist of varying projections and indentions, so as not to create an objectionable continuous, uniform and institutional building façade. The exterior of the building will be constructed of materials which include but may not be limited to the following: manufactured stone siding, shake and horizontal lap siding, tapered fiberglass columns, metal roofing on turrets and porches, and architectural grade fiberglass roof shingles.

4. Fenestration – Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing projects.

The windows as shown on proposed building elevation drawings would be single hung “energy star windows.” In none of the renderings are there any continuous window strips. Windows will be individually framed at each window penetration.

5. Sidewalks - Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with provisions of Sections 25.17.05.

As a condition of approval, and to achieve compliance with Section 25.17.05, the applicant will upgrade and install new sidewalk along with accompanying planting strips

along Maryland Avenue and Monroe Street and a shared use path along the site's Fleet Street frontage. Ultimate design of all such street frontage improvements will be determined at the project's Site Plan Application stage.

6. Parking – On-site parking must comply with standards and requirements of Article 16. Most parking should be located to the side or rear of the buildings. Structured parking, either above or below grade is preferred and may not be visible from a public street. Any parking structure facades visible from the street must be treated in the same manner as the primary buildings façade. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.

The site's proposed parking exceeds the minimum on-site parking requirements of Article 16 of the Zoning Ordinance, i.e., twenty-nine spaces are required and fifty-three spaces were proposed. The proposed surface parking facilities will be located in the side yard area of the facility. Staff recommended the elimination and re-design of the proposed 12 space parking lot located between Lot #1 and #3 for use as an emergency access travelway. As noted, the applicant changed its plans to accommodate this. The building's proposed surface parking will be screened from open site view by trees and other planted materials. Lastly, the parking facilities are oriented to face inward on the site, so as not to allow vehicle headlights of parked cars to shine into adjoining residential properties. Accordingly, the Board finds that the proposed parking complies with the requirements of Article 16.

7. Adjacent to Residential – Where the MXT Zone is opposite or immediately adjacent to any property zoned or recommended in the Master Plan for single-unit detached residential development, the architectural design of buildings adjoining or confronting one-family residential uses should reflect the design and character of the existing residential buildings in the immediate vicinity.

The site is bounded by residential development on two sides, to the east by single family detached residential land uses and to the south by attached single family dwelling units, known as the Courthouse Walk townhouse development. As discussed above, the architecture of the proposed senior housing facility is designed as a multifamily building with varied rooflines and façade changes to minimize the massing, and it uses materials typical to residential buildings nearby. The trash area will be shielded in the under-building parking area, so it is not visible to adjacent homes.

(b) The proposed use at the location selected will not:

i) Adversely affect the health and safety of residents in the area;

The Board finds that the senior housing facility on the subject property will not adversely affect the health and safety of residents in the area.

Based on the Comprehensive Traffic Review (CTR) that was submitted with the special exception request, the site use will not generate greater than 30 peak hour vehicle trips.

Hence, the applicant is only required to provide a project description, analyze the site access and circulation and give a summary of its Transportation Report. No mitigation is required of this project, since it will have a minimal impact on the roadway network surrounding the site. The proposed project trip generation is lower than most of the other uses that would be permitted by right on this 3.47-acre site.

As specified in the site's preliminary Forest Conservation Plan, trees located in the southwestern portion and a portion of the southern most area of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced. The applicant, in compliance with city requirements, will mitigate any stormwater impacts.

ii) Overburden existing and programmed public facilities as provided in Article 20 of the Ordinance and as provided in the adopted Adequate Public Facilities Standards Manual;

The Board finds that the subject special exception will not overburden site area roadways and streets, public schools, or water and sewer services. Certain classes of land use are deemed to have little or no impact on some or all public facilities. As such, the Board of Appeals may waive full compliance with the APFO provisions if it finds that there will be minimal adverse impact resulting from such a waiver. Such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

In accordance with Article 20 and the APFO standards of the Zoning Ordinance, Housing for the Elderly and Physically Handicapped falls in the class of uses eligible for a waiver from the APFO requirements. The applicant requested and the Board grants a waiver of any requirements pertaining to APFO with regard to public school capacity, since no children will reside at the proposed senior housing facility. However, as noted above, the site use is not exempt from the adequacy check for water and sewer services. Thus, at this initial stage in the development review process, the Department of Public Works (DPW) has determined that the applicant will be required to upgrade the water main in Monroe Street between the two existing 8-inch mains at Fleet Street and the Courthouse Walk townhouse community. The subject property would be served from this upgraded water main in Monroe Street. With these noted improvements, to which the applicant has agreed, the site use is not expected to overburden public facilities within the site area.

The applicant's Transportation Report was submitted in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new development projects. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well as on Transportation Demand Management (TDM) programs. The purpose of the CTR process is to ensure that adequate transportation facilities exist during and after a development project.

As previously discussed, the use will not generate greater than 30 peak hour vehicle trips and, therefore, will not significantly alter or change vehicular traffic flow movements in

and around the site area. The facility will have vehicular access onto Monroe Street, and restricted access onto Maryland Avenue, that can be used only by emergency equipment. At the project's site plan approval stage, staff will work with the applicant to determine the ultimate design of street frontage improvements that will be required along Maryland Avenue, Fleet Street, and Monroe Street provided in the conditions to which this special exception grant is issued. Such improvements will include new sidewalks on Monroe Street and Maryland Avenue and a shared use path on Fleet Street. The applicant will also install a bus shelter on Monroe Street at the existing bus stop, adjacent to the historic home located at 107 Fleet Street.

iii) Be detrimental to the use or development of adjacent properties or the neighborhood;

Because the Board finds that the use is consistent with the intent of the Master Plan and MXT Zone in which the site is located, there is no legally cognizable detriment to the use or development of adjacent properties, even though a substantial number of trees in the existing 1.75 acres of forest area of the site will be removed to accommodate the land use as proposed. The applicant's landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials, to ensure the site development complies with applicable requirements of the Forest and Tree Preservation Ordinance.

As specified on the applicant's preliminary Forest Conservation and Landscape Plans, the tree cover located in the southwest corner of the site will be retained. The plans also show that the mature tree cover located along the site's southern tract boundary adjacent to the neighboring townhomes, would also be retained. Retention of those tree-covered areas will continue to act as a buffer between the subject site development and the neighboring townhomes to the south. Along that segment of the southern site tract boundary where mature trees and vegetation will have to be removed to accommodate the site development, the applicant will install replacement trees and supplemental plantings, which also serve as a buffer between the proposed site development and neighboring land uses. While it is understood that the replacement trees and plantings may not immediately provide the level of screening that the existing site vegetation currently affords to the neighboring homeowners to the south, such new plantings will in time mature and serve the intended purpose.

In reviewing the Landscape Plan submitted in conjunction with Preliminary Forest Conservation Plan, Forestry staff recommended and the applicant has agreed to the following: revise the tree planting in the rear of the site, reduce the tree planting within the forest save area (proposed Forest Conservation Easement), and provide tree planting on the historic lots. These revisions will not affect the applicant's ability to meet forest conservation on site.

Finally, as specified herein, the Board has required a substantial reduction in the roofline of the development, in response to the concern of residents and to impressions afforded by the balloon test that the Board required. The maximum roofline as measured in

accordance with City ordinances will be 39 feet. In response to this reduction, the applicant has redesigned the building façade to maintain its aesthetic appeal. As specified below, the maximum height of the roofline will be well within the 50 foot maximum that the Board may permit in the MXT Zone.

For the foregoing reasons, the Board finds that the proposed development will not be detrimental to the use or development of adjacent properties.

iv) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and

The four-story senior housing facility will be approximately 97,049 square feet in size and employ masonry and frame construction. As previously noted, the site is bounded to the west and north by City and County governmental land uses, to the east by office and single-family detached dwellings, and south by single family attached dwellings. Due to the building placement along Fleet Street and Maryland Avenue, the site's historic district homes and certain features of the site plan (e.g. keeping much of the massing away from residential development and reducing the roofline), the project will serve as a transition between the site and the City and County governmental land uses located to the north and northwest, and the residential attached dwellings (i.e., townhomes) to the south, as well as buffer these dwellings from the project. Also, based on the range of land uses, i.e., governmental, institutional, and office that are located within the immediate site area, the establishment of the senior housing facility will not change the character of the neighborhood.

As previously discussed, the APFO analysis of this project shows little impact on public services. The applicant must also mitigate impacts by providing infrastructure improvements. For example, DPW staff has requested and the applicant has agreed to study for safe conveyance the existing storm drain outfall located between the project site and the Mount Vernon Place outfall behind Richard Montgomery High School. The results of that study may warrant a public improvement project, e.g., upgrades of the public storm drain system.

The senior housing facility will be located well over 100 feet from the closest residential dwelling to the south or southeast of the subject property. While the proposed four level housing facility will be 39 feet in height at its maximum, it will be well below the 50-foot maximum that the Board may permit. The building height is not viewed to be excessive, due to the 100 foot separation between the building and the nearest residential dwellings, the sloping surface grades of the site, and the forest buffer remaining.

Based on existing land use patterns and current zoning classification of properties within the site area, coupled with the availability of developable land, it is unlikely that approval of the requested Special Exception use would bring about the proliferation of similar land uses within the subject site area. By allowing housing for senior adults in respective

mixed use zones as a Special Exception, the proliferation of similar land uses within a given site area may, in any event, be controlled by the Board. It is important to note that although the subject use will increase population densities within the neighborhood, the impact on utilities, roads and schools will be less than most other permitted uses in the MXT zone.

v) Constitute a nuisance because of traffic, number of people, noise or type of physical activity;

The use as approved will not constitute a nuisance because of traffic or the number of people. As noted, the site use will not generate greater than 30 peak hour trips. The site is located within the Town Center Planning Area, which provides convenient access to shopping, dining, public and private services, and access to public and mass transportation. Within blocks of the proposed facility is access to the Rockville Metro station and County bus lines. Because this facility is being designed for seniors, the trip increase is less than would be experienced with a general population increase. Many residents, depending upon their health and physical abilities, will likely be more reliant upon public transportation or family and friends for their travel needs. There is also no evidence the proposed senior housing facility would generate excessive noise or physical activity deemed to be a nuisance or harmful to the community or surrounding land uses.

3. The proposed use complies with the requirements of the Zoning Ordinance that are applicable thereto, including, but not limited to, the special requirements contained in Section 25.15.02 and the general purposes of the Ordinance contained in Section 25.01.02.

The subject special exception request is submitted in accordance with Section 25.13.03 of the Ordinance. The applicant's submission of the subject special exception request and development proposal reflects the applicant's compliance with this fundamental requirement of the Ordinance. The site use complies with applicable requirements of the Adequate Public Facilities Ordinance as well.

Per Section 2.15.02.j.2 of the Ordinance, the Board must make the additional finding that the proposed site use has adequate accessibility to, or provides on site, public transportation, medical services, shopping areas, recreational, and other community services frequently used by residents of such use.

As previously noted, the site is located within the Town Center Planning Area, and the Board finds that the site allows for ready access to shopping, physician services, public transportation, and an array of public and private services.

Section 21.15.02.j.3 of the Ordinance requires the use comply with the following Special Development and Use Requirements:

(a) *Minimum Lot Size – Development must be on a record lot of at least two (2) acres. The subject property is approximately 3.47 acres (151,197 square feet) in size.*

(b) *Minimum Street Frontage* – The lot must have at least 100 feet of frontage on a public street. The subject site has in excess of 300 feet of frontage on Maryland Avenue alone.

(c) *Setbacks* – All structures on the site must be set back at least as follows:

(i) *Front Yard*: 50 feet, except for projects in the MXT Zone, the setback may be the minimum required in the zone;

The facility has a front yard setback of 31 feet; the minimum setback required is 10 feet in the site's MXT Zone.

(ii) *Side and rear yards*; Twice the minimum in the zone.

The building has a side setback of 59 feet; the minimum setback required is 20 feet in the MXT Zone. The building has a rear yard setback of 67 feet; the minimum setback required is 40 feet. Note, the setback includes the now abandoned Mount Vernon Place unimproved public right-of-way.

(d) *Maximum Lot Coverage*: Not applicable to the MXT Zone.

(e) *Building Height*: Building height is normally limited to the height allowed in the zone. Additional height up to 50 feet may be allowed by the Board of Appeals in a mixed-use zone without the requirement of additional setbacks.

Under this provision the applicant sought Board of Appeals approval to allow the proposed building facility to be constructed at 47 feet in height. The Board has allowed 39 feet.

BOARD OF APPEALS DECISION

All comments and concerns raised by residents and reflected in the record were taken into consideration. Based on the foregoing findings and reasoning, the Board concludes that there has not been a sufficient showing and the evidence and testimony is not that the character of the community would be changed, that any facilities would be adversely affected or unduly burdened, or that there is any other consideration within the Board's responsibilities warranting denial of the Special Exception. The elderly housing facility represents a true transitional land use between the neighboring townhomes to the south, single family detached dwellings and office uses to the east, and governmental and institutional land uses to the west and north.

Although this site has been unused for many years, it is Montgomery County property in a transition zone of medium-high use to residential use and also has several tall buildings close to the property. The applicant has also in the four-month hearing process reduced the height of the building by agreeing to a flat roofline with some decorative elements to

“break” the roofline. The building also has architectural elements to “break” its straight walls. The proposed senior housing for independent elderly residents is also and needed to provide affordable housing opportunities for elderly residents within the subject site area of the City of Rockville.

Accordingly, the Board of Appeals of the City of Rockville hereby grants the Special Exception SPX2009-00378, and the applicant shall be bound by the application, testimony, evidence and information presented in support of the application regarding the use, operation, site layout, and design of the project. In addition, the Board’s grant is subject to the conditions set forth below and elsewhere in this decision:

1. Site improvements and building construction activity must be conducted in substantial accordance with the site development and building plans as submitted.
2. The site development plan shall be amended to clearly denote/identify location of resident, staff, and visitor parking spaces.
3. The proposed twelve (12)-space parking lot located within the site’s historic district will be eliminated and shall be redesigned as an access way for emergency vehicular access via Maryland Avenue.
4. The applicant will work with the Fire Marshal to determine appropriate signage and/or other improvements needed to clearly demarcate the “End of Fire Department Access,” e.g., the area (as shown on the accompanying site plan) that will allow fire department vehicular access via Maryland Avenue.
5. Prior to the project’s Site Plan Approval stage, the applicant and property owner will work with the County agency which has oversight over its structured parking facilities, to determine the feasibility of allowing employees of the proposed senior housing facility, to access and park their personal vehicles in the neighboring County-owned parking garage located at the corner of Fleet Street and Monroe Street. Such an agreement would enable the applicant to pick up the twelve (12) on-site parking spaces eliminated with the removal of the proposed twelve (12) space parking facility located within the site’s historic district.
6. The August 5, 2009 “Transportation Report” must be revised as follows:
 - a. Remove the verbiage “the Bicycle Master Plan recommends a width of ten (10) feet.”
 - b. Remove the verbiage, “However, the project area does not abut Fleet Street and, therefore, is not within the scope of this Transportation Report.” Replace it with a statement that indicates that it is within the scope of the project.

7. Site refuse and trash collection must be conducted in accordance with applicable City Code and the County's Noise Ordinance.
8. The applicant will upgrade the existing water main located in Monroe Street between the two existing 8-inch mains at Fleet Street and Courthouse Walk.
9. The applicant must comply with the Stormwater Management (SWM) concept plan conditionally approved on April 23, 2009. If final engineering plans and a permit for construction are not approved and issued by May 4, 2010, the concept plan approval may become void. The site must then comply with the new State of Maryland stormwater regulations.
10. The applicant must study the existing storm drain outfall for safe conveyance of stormwater between the project site and the Mount Vernon Place outfall behind Richard Montgomery High School. The results of this study may require an upgrade at the applicant's expense, to the public storm drain system. This study must be completed during the detailed engineering review.
11. The applicant will upgrade and install new sidewalks, together with accompanying planting strips, along Maryland Avenue and Monroe Street and a shared use path along the site's Fleet Street frontage. Ultimate design of all such street frontage improvements will be determined at the project's Site Plan Application stage.
12. A Final Forest Conservation Plan shall be submitted in connection with the Site Plan and reflect the following revisions to the Preliminary Forest Conservation Plan:
 - a. Reduce and revise the proposed planting within the forest save/forest conservation easement area to reflect the locations of the existing trees.
 - b. Provide tree planting on the lots within the Historic District.
13. The applicant shall work with the City Forester and Planning staff to refine the landscaping in the rear of the building, i.e., specific site locations, species type, and number of proposed plantings.
14. All forest conservation and significant tree replacement requirements shall be met on-site in accordance with the plans submitted.
15. All proposed outdoor/exterior site lighting must be installed in accordance with applicable requirements of the City's Landscaping, Screening, and Lighting Manual. The location of all lights should be clearly denoted on the site plan, and a lighting plan showing that lights do not create glare or

excessive light spillage onto neighboring land uses must be submitted for review and approval by the Chief of Planning as part of the project's Site Plan Application.

- 16. The applicant shall make, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP project. The applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Monroe Street frontage. The easement must be recorded prior to issuance of the building permit.
- 17. The roof height shall be 39 feet or less, measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof.

The foregoing Amended Decision is hereby adopted by the Board of Appeals and is being signed in counterparts this 15th day of January, 2010, by Board members Christopher Maravilla, Roy Deitchman, and Alan Sternstein.

Alan Sternstein, Chairperson

Roy Deitchman

Roy Deitchman

Christopher Maravilla

Section 25.07.09 of the City of Rockville Zoning Ordinance requires that a site plan (Level 2) must be filed within six months of the date of the Board's decision or approval shall expire. However, if the applicant can show good cause the Board may grant two (2) time extensions of the application expiration date, each not to exceed six (6) months respectively.

/cdc
Proposed Site Vicinity Map

Board of Appeals

Amended Decision SPX2009-00378 -17 of 18-

January 15, 2010

excessive light spillage onto neighboring land uses must be submitted for review and approval by the Chief of Planning as part of the project's Site Plan Application.

- 16. The applicant shall make, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP project. The applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Monroe Street frontage. The easement must be recorded prior to issuance of the building permit.
- 17. The roof height shall be 39 feet or less, measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof.

The foregoing Amended Decision is hereby adopted by the Board of Appeals and is being signed in counterparts this 19th day of September, 2010, by Board members Christopher Maravilla, Roy Deitchman, and Alan Sternstein.

Alan Sternstein, Chairperson

Roy Deitchman



Christopher Maravilla

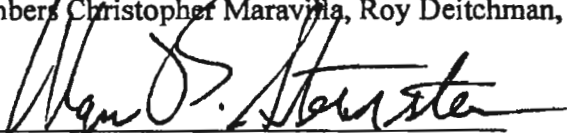
Section 25.07.09 of the City of Rockville Zoning Ordinance requires that a site plan (Level 2) must be filed within six months of the date of the Board's decision or approval shall expire. However, if the applicant can show good cause the Board may grant two (2) time extensions of the application expiration date, each not to exceed six (6) months respectively.

/cdc
Proposed Site Vicinity Map

excessive light spillage onto neighboring land uses must be submitted for review and approval by the Chief of Planning as part of the project's Site Plan Application.

16. The applicant shall make, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP project. The applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Monroe Street frontage. The easement must be recorded prior to issuance of the building permit.
17. The roof height shall be 39 feet or less, measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof.

The foregoing Amended Decision is hereby adopted by the Board of Appeals and is being signed in counterparts this 15th day of January, 2010, by Board members Christopher Maravilla, Roy Deitchman, and Alan Sternstein.



Alan Sternstein, Chairperson

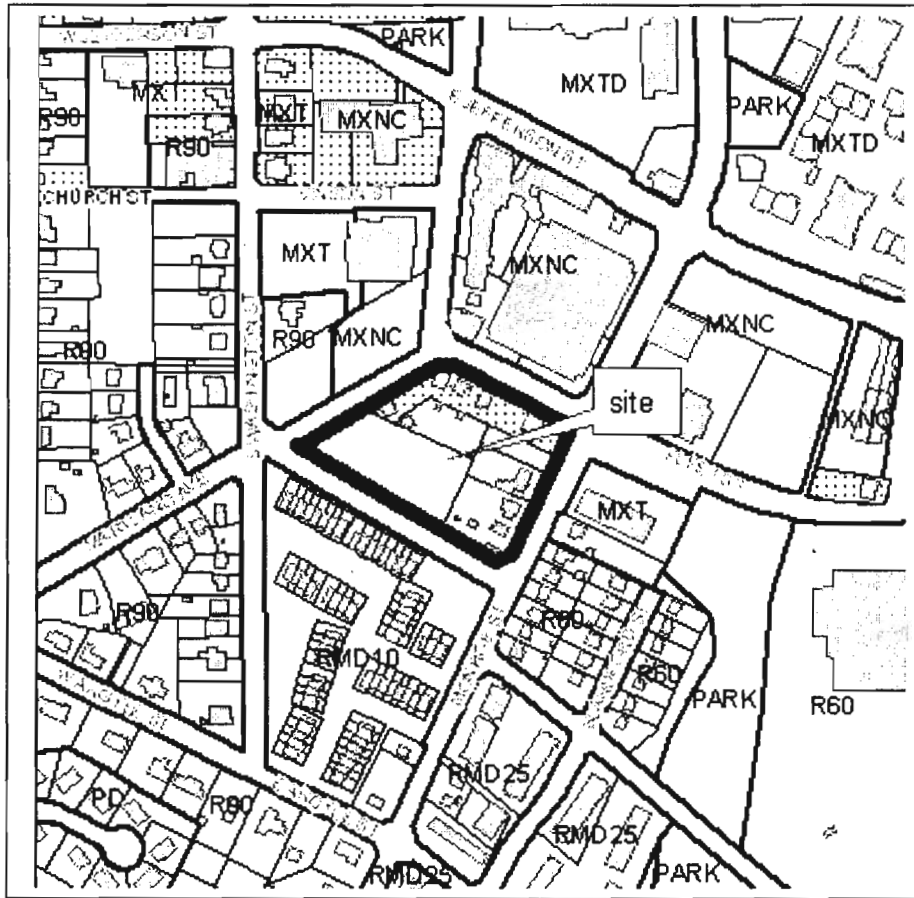
Roy Deitchman

Christopher Maravilla

Section 25.07.09 of the City of Rockville Zoning Ordinance requires that a **site plan (Level 2) must be filed within six months of the date of the Board's decision or approval shall expire.** However, if the applicant can show good cause the Board may grant two (2) time extensions of the application expiration date, each not to exceed six (6) months respectively.

/cdc
Proposed Site Vicinity Map

SITE VICINITY MAP





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Public Works
240-314-8500
TTY 240-314-8137
FAX 240-314-8539

Environmental Management
240-314-8870
FAX 240-314-8885

Fleet Services
240-314-8485
FAX 240-314-8499

Maintenance Operations
240-314-8570
FAX 240-314-8589

Water Treatment Plant
240-314-8555
FAX 240-314-8564

MAYOR
Phyllis Marcuccio

COUNCIL
John B. Britton
Piotr Gajewski
Bridget Donnell Newton
Mark Pierzchala

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Debra Yerg Daniel

March 2, 2010

ATTACHMENT "B"

Mr. Jeff Blackwell
Victory Housing, Inc.
5430 Grosvenor Lane, Suite 210
Bethesda, Maryland 20814

RE: Victory Court Seniors Housing
Stormwater Management Concept Plan (revised)
SMP2009-00011, Special Exception SPX2009-00378

Dear Mr. Blackwell:

The Stormwater Management (SWM) Concept received on February 14 for the above referenced site, located in the Cabin John watershed, is conditionally approved. The proposed senior housing project consists of the following improvements: a three story 100,478 square foot building, parking lot and associated infrastructure. The project site includes all lots affected by the preliminary subdivision plan, including the six adjacent single-family lots. The concept also proposes SWM for the six adjacent single-family lots.

In accordance with City law, SWM is required for all impervious area, new or existing, because more than 50 percent of the project site is disturbed. SWM is required to be provided for all impervious area within the boundary of Maryland Avenue, Fleet Street, Monroe Street and the unimproved Mount Vernon Place right-of-way (ROW). Additionally, in accordance with City law, SWM also must be provided for new and replacement impervious area within the first 30 contiguous feet of the street ROW listed above. The total on-site impervious area subject to SWM is 1.59 acres. The total impervious area for the adjacent ROW subject to SWM is 0.70 acres.

Per the submitted concept, the proposed building and majority of the parking lot will be directly managed. The concept proposes the use of Environmental Site Design (ESD) measures that include: landscape infiltration, micro-bioretenion areas, pervious paving and dry wells, as depicted on the attached "Victory Court Seniors Housing Stormwater Management Concept" plan, which was submitted with the February 14 SWM Concept application. SWM for the disturbed area is proposed in accordance with the requirements of ESD as reflected in Chapter 5.0 (Supplement 1) of the Maryland Department of the Environment (MDE) Stormwater Design Manual Volumes I & II and the City's SWM Ordinance.

The submitted SWM Concept proposes the following:

1. **One-Site Water Quality (WQv)**

Water Quality for the site will be provided through Environmental Site Design (ESD) and structural methods including landscape infiltration (LI)

measures, micro-bioretenion, dry wells, pervious pavement and an underground structural sand filter. The on-site SWM measures will treat 1.48 impervious acres:

- a. Eleven planter box landscape infiltration measures scattered throughout the single-family lots.
- b. Three micro-bioretenion cells treating the Senior Housing rooftop and the loading area.
- c. Two dry wells on the single-family lots.
- d. Pervious pavement along the Senior Housing main drive aisle and on Lot 7.
- e. Underground structural sand filter treating the parking lot, drive aisle and single-family lots.
- f. A monetary contribution for 0.11 acres, which represents the portion of the site that cannot drain through a treatment measure.

2. **One-site Recharge Volume (Rev)**

Recharge Volume for the entire site is being proposed via the dry wells, micro-bioretenion cells and pervious pavement.

3. **On-site Channel Protection Volume (CPv)**

Channel Protection Volume is proposed for the impervious area via two control structures and underground pipe storage systems. The amount of impervious area being managed by these two systems is 0.68 (senior housing roof top) and 0.76 (parking, drive aisle and single-family lots) impervious acres. The loading area and entrance drop off area do not drain through these two systems and site constraints prevent the proposed facilities from being enlarged, therefore a contribution to the City's Stormwater Fund is being requested for 0.15 acres.

4. **On-site Overbank Flood Protection (Op10)**

Overbank Flood Protection is proposed for the impervious area via two control structures and underground pipe storage systems. The amount of impervious area being managed by these two systems is 0.72 (senior housing roof top and loading area) and 0.76 (parking, drive aisle and single-family lots) impervious acres. The entrance drop off area does not drain through these two systems and site constraints prevent the proposed facilities from being enlarged, therefore a contribution to the City's Stormwater Fund is being requested for 0.11 acres.

5. **Maryland Avenue, Fleet Street and Monroe Street ROW**

In accordance with the City's SWM Ordinance, SWM is required for existing, replaced or new impervious area within the first 30 contiguous feet of the adjacent ROW. The concept proposes a SWM alternative, monetary contribution, in lieu of providing on-site SWM due to vertical constraints that prohibit the collection and management of runoff from this portion of the ROW. A monetary contribution is proposed for WQv, CPv and Op10 for 0.70 acres representing the amount of impervious area within the ROW.

This SWM Concept is approved in accordance with the City's interim SWM guidelines and is subject to the following conditions, which must be addressed at the detailed engineering stage:

1. The applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site SWM as per the following details:
 - a. WQv waiver for the entrance drop off area and portions of the southern entrance. This monetary contribution has been computed to be approximately \$1,320, which is 0.11 impervious acres at the current rate of \$12,000 per impervious acre.
 - b. CPv waiver for the entrance drop off area and the southern entrance. This monetary contribution has been computed to be approximately \$3,000, which is 0.15 impervious acres at the current rate of \$20,000 per impervious acre.
 - c. Qp10 waiver for the entrance drop off area and portions of the southern entrance. This monetary contribution has been computed to be approximately \$2,200, which is 0.11 impervious acres at the current rate of \$20,000 per impervious acre.
 - d. WQv, CPv and Qp10 waiver for the adjacent rights-of-way (Maryland Avenue, Fleet Street and Monroe Street). This monetary contribution has been computed to be approximately \$36,400, which is 0.70 impervious acres at the current rate of \$52,000 per impervious acre.
2. A minimum of 12-inch subgrade depth will be required for all pervious paving areas in accordance with the concept.
3. Submit soil borings and a geotechnical report, sealed by a Maryland Professional Engineer, confirming infiltration rates are acceptable for use of pervious pavement. If rates are not acceptable, an additional micro-bioretenion cell and enlargement/modification of the proposed SWM system (control structure, sand filter and pipe storage) will be required as per the submitted concept.
4. Provide an updated exhibit and computations for all areas showing the impervious areas being treated (quantity and quality) at detailed engineering. The exhibit should show on-site areas separately from ROW areas. Illustrate and label all proposed SWM structures, measures and features on this exhibit.
5. Vehicular maintenance access to the micro-bioretenion system (two cells) must be provided and demonstrated on the detailed engineering plans. No permanent structures are permitted within this access.
6. Runoff from the buildings downspouts being treated in the micro-bioretenion system must be managed to ensure sheet flow into the facility and prevent overland soil erosion.
7. Provide safe conveyance of storm flows. Complete a hydrologic and hydraulic study, based on field surveyed structures and inverts that analyzes the collection and conveyance of the 10-year storm through the existing storm drain system from the subject site along Monroe Street down Mount Vernon Place to the point where the system daylights into the Cabin John stream. Approximate length of study is 1,000 linear feet. The applicant must provide a conceptual alignment of an upgraded storm drain system (pipes and inlets) with horizontal and vertical detail, such that the water main improvement along Monroe Street may be

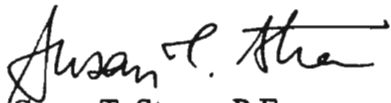
8. designed accordingly. Results of the analysis will not require the construction of a storm drain system upgrade provided the project manages the 10-year storm event on site.
9. The headwall (structure P7) near existing structure P4 must be removed and replaced with a surface inlet structure, which will require additional grading and surface restoration.
10. Alignment and positioning of the SWM piping and facilities must limit tree impacts and requires approval by the Assistant City Forester. If facilities are modified resulting in the reduction of SWM treatment, a new concept may be required.
11. Field run topography is required along the 60-foot Mount Vernon Place ROW, which is to be abandoned, in order to correctly design drainage systems. Additional inlets will be required to address drainage issues and standing water, as well as localized grading to ensure maximum inlet efficiency. Location of the surface inlets and grading must be coordinated with the Engineering Division and the Assistant City Forester during detailed engineering plan review.
12. This SWM Concept approval does not address typical sections and details shown on the submitted plan. Staff will review and comment on these details during final engineering.
13. A detailed review of the SWM computations will occur at the time of detailed engineering plan review.
14. Payment of all SWM monetary contributions for new or replaced impervious area that cannot be managed onsite is required prior to the Department of Public Works (DPW) permit issuance to satisfy the City's SWM regulations. Any change in the amount of new or replaced impervious area from the approved concept plan will change the amount of the monetary contribution.
15. Submit a SWM permit application, detailed engineering SWM Plans and computations signed and sealed by a Professional Engineer licensed in the state of Maryland and a SWM Database Sheet for review and approval by DPW. The SWM Plan must include a Landscape Plan with appropriate details and notes, sealed by a Registered Landscape Architect, for all non-structural ESD measures that utilize plant materials (i.e. LI measures and bioretention facilities). Submit a detailed storm drain improvement plan with computations and a supporting drainage area map for use by DPW in review of the detailed engineering SWM Plan.
16. Prior to permit issuance, post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
17. Submit a SWM Easement/Maintenance Agreement for all features signed (executed) by the property owner(s) for review and approval by DPW and the City Attorney's Office. The approved and executed SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.

18. Obtain approval of a Forest Conservation Plan (FCP) from the City Forester. The FCP must be approved prior to DPW issuing SWM and sediment control permits.

This SWM Concept is consistent with Rockville's interim guidelines for MDE's ESD requirements. Accordingly, the May 4, 2010 plan approval deadline does not apply.

If you have any questions, please contact John Hollida, Civil Engineer II, at 240-314-8526 or via e-mail at jhollida@rockvillemd.gov.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

SS/JH/mbw

cc: Pearce Wroe, Macris, Hendricks and Glascock
Bobby Ray, Principal Planner
Cas Chasten, Planner III
Elise Cary, Assistant City Forester
Mark Wessel, Civil Engineer III
John Hollida, Civil Engineer II
Permit Plan
Stormwater Management Concept File
Day File

Enclosure



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20860-2364
 www.rockvillemd.gov

Public Works
 240-314-8500
 TTY 240-314-8137
 FAX 240-314-8539

Environmental Management
 240-314-8870
 FAX 240-314-8886

Fleet Services
 240-314-8485
 FAX 240-314-8499

Maintenance Operations
 240-314-8570
 FAX 240-314-8589

Water Treatment Plant
 240-314-8556
 FAX 240-314-8564

MAYOR
 Phyllis Marcuccio

COUNCIL
 John B. Britton
 Piotr Gajewski
 Bridget Donnell Newton
 Mark Pierzchala

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Debra Yerg Daniel

June 3, 2010

ATTACHMENT "C"

Mr. Jeff Blackwell
 Victory Housing, Inc.
 5430 Grosvenor Lane, Suite 210
 Bethesda, Maryland 20814

RE: Victory Court Seniors Housing
 Water and Sewer Authorization
 Site Plan STP2010-00034

Dear Mr. Blackwell:

The Engineering Division of the Department of Public Works (DPW) has completed its review of the above referenced plan, received on May 18, for the Victory Court Seniors Housing project located along Monroe Street. The proposed Victory Court project consists of the following improvements: a three story 95,398 square foot, 86-unit apartment building, below grade parking garage, surface parking lot and associated infrastructure. The five existing single-family homes along Fleet Street and Maryland Avenue, within the historical district will remain. There are four single-family homes along Monroe Street scheduled for demolition.

Existing Conditions

This site is in the Cabin John Sewershed. There is an existing 8-inch sewer main in Monroe Street, which drains towards Mount Vernon Place and an existing 6-inch water main in Monroe Street. There are no proposed service changes to the five remaining single-family homes along Fleet Street and Maryland Avenue.

Development Application

The applicant is requesting to install one water house connection for both fire and domestic purposes and one sewer house connection. The proposed water and sewer service lines will be connected to the Monroe Street water and sewer mains, respectively.

Findings and Conditions of Approval

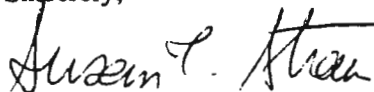
1. The existing 8-inch public sewer system is adequate to provide necessary sewer service for this project.
2. The existing 6-inch water main in Monroe Street must be upgraded to 8-inches from the Fleet Street intersection to the existing 8-inch main coming from Courthouse Walk to provide necessary water and fire service for this project. Approximate length of water main upgrade is 725-feet, which includes valves, fire hydrants and reconnection of all existing water services.
3. The applicant shall provide three new fire hydrants along the water main upgrade. The location of the hydrants and pipe layout shall be reviewed and approved by DPW and the Fire Marshall during detailed engineering.
4. The Lot 2 water meter must be installed at the right-of-way. Meter size will be determined by the City's Inspection Services Division (ISD).

Mr. Blackwell
June 3, 2010
Page 2

5. Two water meters must be relocated for Lots 1 and 7. Water meters must be installed at the right-of-way, along a property frontage and within grassy areas.
6. The applicant shall establish an easement for the water meter serving the Lot 2 building. No landscaping may be planted within the water meter easement.
7. The sewer house connection for Lot 2 must have a clean out at the right-of-way.
8. The parking garage levels below grade must outfall into the sanitary sewer system.
9. The applicant shall abandon the existing water and sewer connections in Monroe Street serving the four single-family homes to be demolished as per DPW requirements.
10. Submit water and sewer construction documents to DPW for review, approval and permitting at the detailed engineering stage.
11. Obtain permits from DPW and ISD, as required.
12. Any substantial changes or revisions to the proposed development information, as shown on the plan received May 18, may require a modification, revision or deletion of these conditions.
13. Fire flow requirements per the Maryland State Fire Prevention Code, specifically NFPA 1, 2009 Edition, must be met. A fire hydrant must be within 100 feet of the fire department connection for the building. This distance is measured along the path of the fire hose. Coordinate location with the Fire Marshall.

If you have any questions, please contact John W. Hollida, Civil Engineer II, of my staff at 240-314-8526 or at jhollida@rockvillemd.gov.

Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

SS/JH/mbw

cc: Mike Plitt, Macris, Hendricks and Glascock
Bobby Ray, Principal Planner
Cas Chasten, Planner III
Matt Shanks, Fire Marshall
Mark Wessel, Civil Engineer III
John Hollida, Civil Engineer II
Permit Plan, STP2010-00034
Water and Sewer Authorization File
Day File



ATTACHMENT "D"

City of Rockville

MEMORANDUM

June 1, 2010

TO: Planning Commission

FROM: Historic District Commission

SUBJECT: HDC2010-00496A: Rockville Heights Historic District
Victory Court Senior Housing Preliminary Plan of Subdivision; Site Plan

The Historic District Commission (HDC) considered the above-mentioned items on May 20, 2010. Consistent with City practice, the HDC reviewed the Preliminary Plan of Subdivision for the historic district in order to provide a recommendation to the Planning Commission. In addition, the HDC reviewed the Site Plan for elements within the Rockville Heights Historic District for a Certificate of Approval, and reviewed other Site Plan elements for compatibility with the historic district in order to provide a recommendation to the Planning Commission.

Preliminary Plan of Subdivision: The HDC recommends approval of the Preliminary Plan of Subdivision with respect to the delineation of individual lots. This proposal will provide adequate side yards for 150 Maryland Avenue (Lot 1), and permit space for a driveway with a turnaround for safe egress. The HDC does not recommend turnarounds at the other historic houses, as the traffic condition appears to be less dangerous along Fleet Street, and the lot sizes are too small to accommodate the additional paving.

The HDC passed a motion (3-0) that noted that this Preliminary Plan of Subdivision did not have any additional negative impact on the historic properties.

Site Plan Certificate of Approval: The HDC approved the proposed Landscape Plan for plantings within the historic district with the added Condition that there should be additional plantings for screening at the rear of Lot 1 as a buffer to the adjacent parking lot for Victory Court. The HDC noted that, overall, this will reestablish a landscape buffer between the historic district and the proposed new Senior housing facility.

The HDC approved a modification of the shared-use path to remove it entirely from the historic district.

The HDC approved the use of stormwater-intake planters adjacent to the historic structures, but require a finalized design to come back to the HDC for their review and approval.

HDC2010-00496A Recommendation to Planning Commission
June 1, 2010

Site Plan Recommendation: The HDC recommended the following:

- 1) The city should maintain street trees along Fleet Street; and,
- 2) The shared-use path along Fleet Street should be designed as an ADA compliant sidewalk no wider than 48” with brick pavers, consistent with its location adjacent to a historic district.

Attachments:

Attachment A: Staff report

cc: Historic District Commission
Jim Wasilak, Chief of Planning
Susan Swift, Director CPDS
Rebecca Torme, DPW
Cas Chasten, Planner III

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION
STAFF REPORT
for
May 20, 2010
Meeting No. 8-2010**

APPLICATION: HDC2010-00496A

ADDRESS: Victory Court
209 Monroe Street

ACCEPTED: April 27, 2010

45 DAY LIMIT: June 18, 2010

OWNER: Montgomery County/
Victory Housing

REQUEST: Certificate of Approval: Site
Plan elements within Historic
District
Courtesy Review:
Preliminary Plan of
Subdivision



Approximate project area and historic district, current

STAFF: Robin D. Ziek

OVERVIEW

The applicant (see Attachment A) requests a Certificate of Approval for proposed changes within the Rockville Heights Historic District relating to the submitted Site Plan: encroachment of a shared-use path; landscape plantings within the historic district as part of the larger Victory Court project; construction of emergency vehicle access between 150 Maryland Avenue (Lot 1) and 101 Fleet Street (Lot 3) (See Attachment G-a, -b, -d, -e, -f, -g).

The applicant also requests a Courtesy Review for the Preliminary Plan of Subdivision. This will establish individual lots for each of the houses within the Historic District, in accordance with the Mayor and Council's delineation of the environmental setting for this example of early 20th century suburban development [see Attachment G-c].

STAFF RECOMMENDATIONApprove the Site Plan as submitted, with the following modifications:

1. Eight foot (8') Shared Use Path encroachment within the Historic District;
2. Landscape Plan for plantings within the Historic District, with modifications noted on page 10-11 of the staff report; and
3. Include turnaround area for driveway on Lot 1 (150 Maryland Avenue).

Recommend the following:

1. Approval by the Planning Commission of the Preliminary Plan of Subdivision, with Outlots A and B, to be owned and maintained by the County.

DRAFT MOTION OF APPROVAL:

Finding that the Site Plan for the Victory Court Senior Housing reflects the Mayor and Council's intentions noted with the establishment of the Rockville Heights Historic District environmental setting, with the following additions: that an eight-foot shared-use path may encroach into the Historic District as shown on the Site Plan; that the Landscape Plan reflects the re-establishment of a landscape buffer between the historic district and Victory Court Senior Housing with the modifications stated in this staff report, I move approval of HDC2010-00496A.

DRAFT MOTION OF RECOMMENDATION

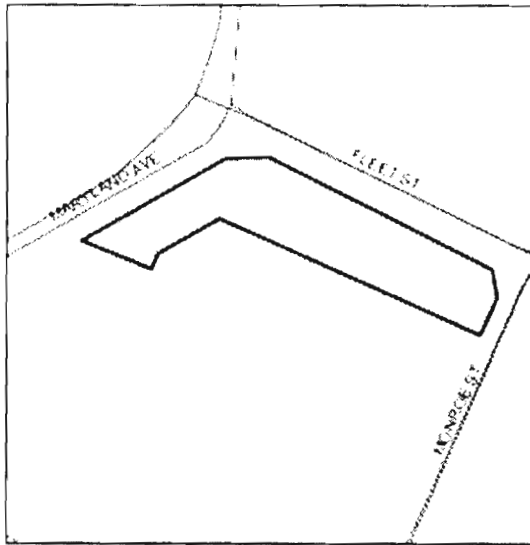
Finding that the Preliminary Plan of Subdivision for the Rockville Heights Historic District complies with prior guidance provided by the HDC, I recommend that the Planning Commission approve the Preliminary Plan of Subdivision with the following recommendations:

- 1) Additional plantings for screening should be added at Lot 1 to screen the adjacent parking lot; and

BACKGROUND

Historic Significance

The Rockville Heights Historic District is significant as an intact collection of early 20th century residential architecture of varying styles. Although the district borders the Town Center and the area is more “urbanized” today, these homes represent the small town land use patterns that characterized Rockville’s built environment prior to WWII. The Rockville Heights Historic District is located at the northern end of the Rockville Heights subdivision, platted in 1890. The house at 107 Fleet Street dates to 1904 and reflects the late 19th century Queen Anne style. The other four houses were built between 1926 and 1936. Together, they present an early 20th century streetscape and reflect the early residential character of this part of Rockville.



Historic District Property

The historic district properties are owned by Montgomery County, as are all of the parcels defined by Maryland Avenue, Fleet Street, Monroe Street and Mount Vernon Place. The houses were acquired by the County in the 1960s and have been used for a variety of office uses. Although the County has recently painted all of the houses, several of them are empty and will need additional rehabilitation prior to occupancy.

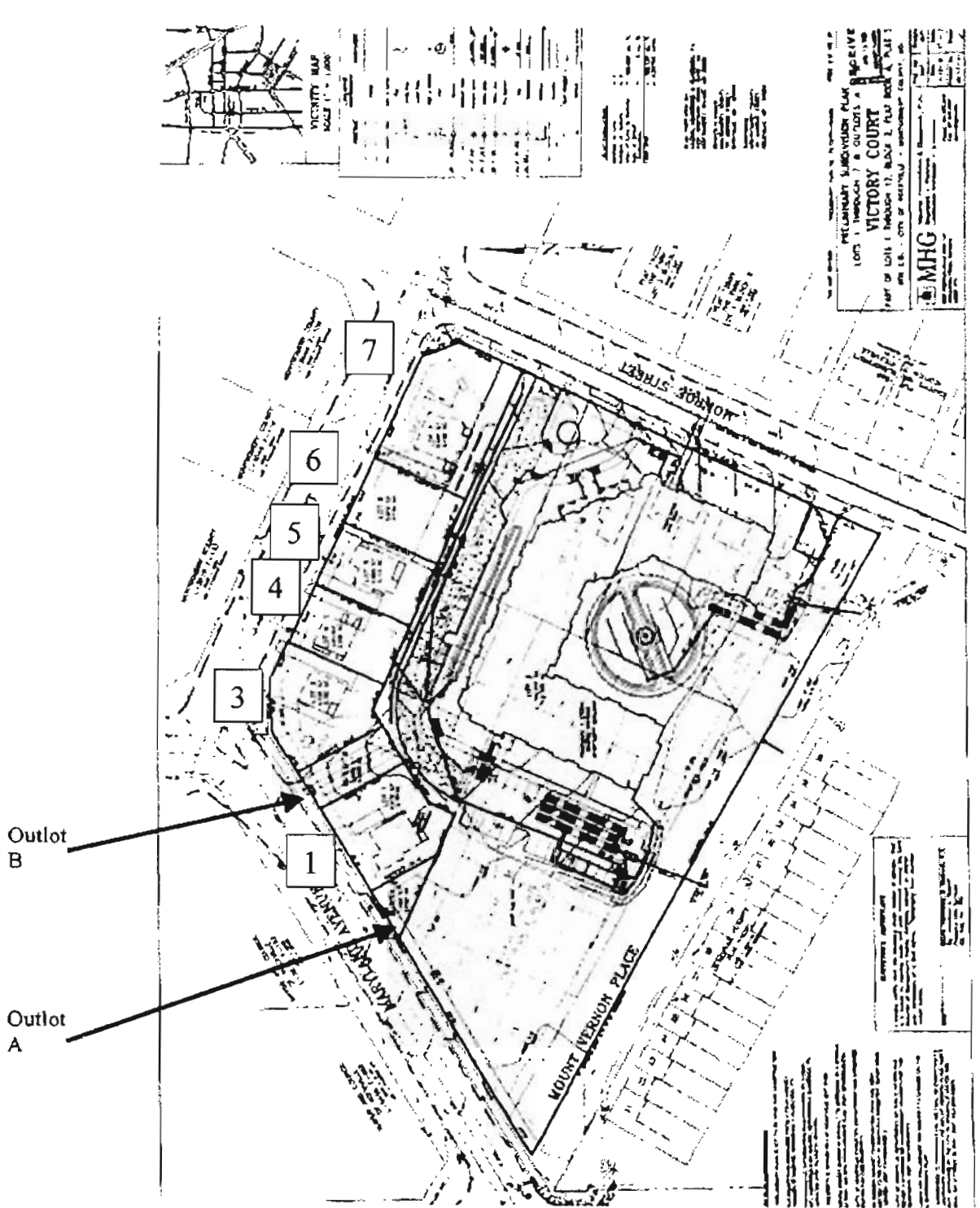
Approval of the historic district coincided with finalizing the agreement between Montgomery County and Victory Housing Inc., to construct low-to-moderate income housing for independent seniors on this property. The project design has been modified through the public review process. The environmental setting of the Historic District was established by the Mayor and Council, to accommodate both the historic houses and the new construction. The senior housing development will involve the reduction in depth of the current properties associated with the historic houses. Backyard trees will be removed, as well as the existing street trees. The Landscape Plan for the new project reflects these changes, and seeks to provide adequate landscaping in support of the residential character of the historic district.

PREVIOUS ACTIONS

3/18/2010	Courtesy Review with HDC
1/9/2010	Board of Appeals approval of SPX2009-00378
9/12/2009	Board of Appeals review of proposed use through Special Exception application SPX2009-00378
11/17/2009	
12/5/2009	
11/19/2009	Courtesy Review with HDC
7/16/2009	Courtesy Review with HDC
3/19/2009	Courtesy Review with HDC
12/18/2008	Courtesy Review with HDC
10/13/2008	Historic District adopted by M&C
6/16/2005	HDC recommended the "Rockville Heights Historic District" to include buildings at 101, 103, 105, 107 Fleet Street and 150 Maryland Avenue

PROPOSED PROJECT

Proposed Preliminary Plan of Subdivision (see Circle ; and large format copy)



KEY:***Outlot A –Forest Conservation easement*****Lot 1: 150 Maryland Avenue*****Outlot B – Pedestrian path and Emergency vehicle access*****Lot 3: 101 Fleet Street****Lot 4: 103 Fleet Street****Lot 5: 105 Fleet Street****Lot 6: vacant****Lot 7: 107 Fleet Street**

The Victory Court Senior Housing Project will provide 86 units of affordable housing for independent elderly residents (see Attachment B). The building will have three stories, and has a “C” configuration that provides a south-facing courtyard. The driveway and most of the parking will be placed behind the Rockville Heights historic properties. Topographic changes will be mediated with terraced landscape beds and retaining walls. Residential metal fencing, which has already been approved by the HDC, will provide a safe edge along the backs of Lots 3 – 7 along Fleet Street. Lot 1 and Outlots A and B are on grade with the parking area for Victory Court and do not require safety fencing.

The Preliminary Plan of Subdivision (see p. 5, Attachment C, and G-c) has been modified from the March 18th Courtesy Review to provide additional sideyard area for Lot 1. This will permit installation of a driveway with a turnaround area so that vehicles will not have to back out onto Maryland Avenue, and still provide green space for the house at Lot 1 (150 Maryland Avenue).

At the same time, Outlot B has been reduced in size and shifted towards Lot 3. Lot 3 will still have a substantial sideyard on the Maryland Avenue side, while Outlot B will have enough area around the pedestrian path and emergency vehicle access for landscape plantings.

The HDC should review/approve the proposed paving material. The applicant proposes a type of paving that will reduce the apparent paved area, such as “grasscrete”, while still providing the necessary support for emergency vehicles. The pedestrian path will be paved with concrete.

Shared-use path along Fleet Street

The proposal for the shared-use path along Fleet Street and Maryland Avenue is an example of competing interests within the City (see Attachments F and H). At the previous Courtesy review, there was discussion of a potential alternative design with a two-foot wide grass strip and a six-foot wide bikepath. The Department of Public Works (DPW) has since clarified that the width of the paving is determined by Section 21-60(1) of the City Code (Streets and Public Improvements), and is not subject to review by the HDC or Planning Commission. A waiver to the Road Code for an alternative design may be granted only by the Mayor and Council (Section 21-20).

At the City's request, the applicant staked out the proposed shared-use path at the initial ten foot width. These stakes are still in place on site; and staff recommends reviewing these stake locations with the understanding that the reduction in width will allow the front yards to be two feet deeper. This will reduce the encroachment of paving within the boundaries of the Historic District.

The HDC is asked to approve the installation of the shared-use path specifically where it extends into the Rockville Heights Historic District, at Lot 7 (107 Fleet Street). Staff recommends approval of this as the additional paving will have little effect on the existing front yards.

Landscape Plan

The Landscape Plan (see Attachment G-d,-e,-f,-g) introduces an edge of deciduous and evergreen trees along the south boundary of the historic district, as well as the removal of existing paving and the construction of new paving within the historic district. Staff recommends the following:

Paving:

1. The two large existing parking lots (adjacent to Lot 1 at 150 Maryland Avenue, and behind Lot 7 at 107 Fleet Street) will be removed, as indicated on the Site Plan. Individual driveways will be constructed on Lot 1 and Lot 7 to provide two off-street parking spaces for these houses.

The applicant should address the removal of the paving, and staff anticipates that the currently paved areas will be reconstructed as open lawn. Existing paving that is also shown at the rear of Lots 3, 4, and 5, and the sidewalk shown behind Lot 3, should also be removed. In addition, part of the parking area behind Lot 7 is shown on the Site Plan, and should also be removed. Timing of this work should be discussed, as the County will continue to own the houses within the historic district, and not Victory Housing, Inc. Empty houses are not desirable in the City, and every step should be taken to make these historic houses available for reuse in the near future.

2. The 10' wide driveway that is proposed at Lot 1 should be amended to include a paved turnaround area, so cars can avoid backing out into Maryland Avenue.

Landscape and Plant Materials:

The Landscape Plan shows the introduction of a mix of shade trees and evergreens along the boundary edges of the historic district and within the historic district at Outlots A and B.

1. The screening potential should be enhanced with the addition of shrubs, to add to the density and diversity of the landscape buffer.
2. The *Carpinus Caoliniana* (American Hornbeam) that is proposed on Lot 1 should be moved closer to the property line to provide more of an open yard for Lot 1.
3. Please see the City's Landscape Manual (Section 4d) for screening requirements that may apply if a residential property is adjacent to a parking lot (see Lot 1). Similarly, although the walkway and emergency egress will be outlined with new trees, additional plantings of shrubs will enhance the sense of privacy for sideyards at Lots 1 and 3.
4. The City Forester has noted that two evergreens are shown in the location of an existing crabapple tree, which is to remain. Therefore, these two evergreens should be repositioned along the backyard boundary of the historic district.
5. As all of the existing street trees will be removed, staff recommends additional trees along the edge of the PUE at Lots 1, 3, 4, and 5 to provide a sense of street trees along Fleet Street.

Attachments:

- A. Application
- B. Applicant's Letter re Status of Special Exception Conditions of Approval
- C. Preliminary Plan of Subdivision
- D. Shared-use Path along fleet Street – 8' of paving
- E. Void
- F. DPW Memo 5/14/2010
- G. Large Format Drawings Site Plan submittal:
 - a. Level II Site Plan SP-1
 - b. SP-2
 - c. Preliminary Subdivision Plan
 - d. Preliminary Forest Conservation Plan PFCP-1
 - e. PFCP-2
 - f. PFCP-3
 - g. Landscape Plan LS-1
- H. Large Format Drawing of shared –use path



City of Rockville
 Department of Community Planning and Development Services
 Historic Preservation Office
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8830
 www.rockvillemd.gov/historic

RECEIVED
 MAY 06 2010
 COMMUNITY PLANNING
 AND DEVELOPMENT SERVICES

APPLICATION FOR HISTORIC DISTRICT COMMISSION (HDC)

PROJECT IDENTIFICATION: Victory Court (to be constructed on a portion of the area bordered by Maryland Avenue, Fleet Street, and Monroe Street)

Application is hereby made with the Historic District Commission of Rockville for a Certificate of Approval for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP	City of Rockville. Building address to be determined.	
	SUBDIVISION	LOT	BLOCK
		Part of Lots 1 through 13.	2
	ZONING	TAX ACCOUNT NO.	PROPERTY SIZE (in square feet)
	MXT		144,016 (Proposed Lot 2)
NAME		MAILING ADDRESS - NUMBER STREET, CITY STATE ZIP	
APPLICANT*	FIRST	Victory Housing, Inc. (on behalf of a to be formed ownership entity)	
	LAST	5430 Grosvenor Lane, #210, Bethesda, MD 20814	
		PHONE / FAX / E MAIL	
		P: 301-493-6000 F: 301-493-9788 jbrown@victoryhousing.org	
PROPERTY OWNER	FIRST	Montgomery County, MD	
	LAST	100 Maryland Avenue, 4th Floor Rockville, MD 20850	
		P: (240) 777-3623 alisa.wilson@montgomerycountymd.gov	
ARCHITECT Registration #	COMPANY		
	Grimm + Parker Architects		
	LAST	FIRST	
	Schutz	Logan	

SCOPE OF WORK		
<input checked="" type="checkbox"/> FENCE	<input checked="" type="checkbox"/> MATURE TREE REMOVAL	<input type="checkbox"/> CHIMNEY
<input type="checkbox"/> SIDING/TRIM	<input type="checkbox"/> WINDOWS/DOORS	<input type="checkbox"/> MISCELLANEOUS
<input type="checkbox"/> SIGNAGE	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ORDINARY MAINTENANCE
<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> ROOFING	<input checked="" type="checkbox"/> NEW CONSTRUCTION
<input checked="" type="checkbox"/> LANDSCAPING	<input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> OTHER

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

Description of the proposed work in brief (attach additional sheets as necessary):

Construction of an 86-unit affordable housing community for independent seniors on property adjacent to an historic district in the City of Rockville and associated work required for development

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

TO BE COMPLETED BY STAFF

Application #: HDC-2010-00461

Public Hearing Date: 5-10-10

Decision Approved Staff Approval
 Denied Approved w/conditions

15 Day Review Date: 5-15-10

Staff reviewer: D.D.Z.

Signature of Applicant [Signature] Pres.

Received by: [Signature]

Accepted by: [Signature]

Date: 4/27/10

See reverse side
Revised 3/07



HDC

SUBMITTAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION (HDC) CERTIFICATE OF APPROVAL

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

1. PRE-APPLICATION MEETING

A pre-application meeting with the historic preservation staff is recommended prior to filing all applications. Please call the preservation office at 240-314-8230 to schedule a meeting with staff.

2. COMPLIANCE WITH GUIDELINES

Projects must comply with the City's *Technical Guides for Exterior Alterations*, available via the Internet at www.rockvillemd.gov/historic/tech-guides.html or in printed form at the Department of Community Planning and Development Services.*

3. FILING LOCATION

Applications must be filed with the City of Rockville Community Planning and Development Services Department at 111 Maryland Avenue, Rockville, MD. Applications will not be accepted until they are determined to be complete by City staff. The application must be filed by the last Tuesday of the month prior to the scheduled Historic District Commission meeting.

4. INSPECTION OF THE PROPERTY

Members of the Historic District Commission and City staff must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided that reasonable notice is given for said inspection.

5. HEARING/MEETING APPEARANCE

Once the application is complete, staff will set a tentative date for a public hearing by the Historic District Commission. Meetings of the Commission are held on the third Thursday of the month, in the Mayor and Council Chambers at City Hall at 7:00 p.m. The applicant, or a representative designated by the applicant, should be prepared to present his/her case before the Historic District Commission. The applicant will have the opportunity to ask questions and respond to comments at the public hearing. HDC decisions may be appealed to the Circuit Court of Montgomery County.

6. FILING DEADLINES

Applications are due by the last Tuesday of the month preceding the regularly scheduled HDC meeting. A schedule of filing deadlines is maintained by the Planning Division.

7. SIGN

A sign will be posted by the City staff on the property announcing the public hearing by the Historic District Commission approximately one week prior to the meeting.

 Applicant's Signature
 4/27/10

 Date

*In addition to the City's *Technical Guides for Exterior Alterations* (see #2 above), applicants may also find it useful to consult the following publications:

- The Secretary of the Interior's Standards for Rehabilitation: www.cr.nps.gov/hps/tps/standards/rehabilitation.htm
- The HDC's Adopted Architectural Design Guidelines: www.rockvillemd.gov/historic/guidelines1977.htm



City of Rockville
 Department of Community Planning and Development Services
 Historic Preservation Office
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8830
 www.rockvillemd.gov/historic

RECEIVED
 MAY 06 2010
 COMMUNITY PLANNING AND DEVELOPMENT SERVICES

APPLICATION FOR HISTORIC DISTRICT COMMISSION (HDC)

PROJECT IDENTIFICATION: Proposed Lots 1,3,4,5,6,& 7 and Outlots A & B (Rockville Heights Historic District Properties)

Application is hereby made with the Historic District Commission of Rockville for a Certificate of Approval for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP		
	City of Rockville, multiple addresses: 150 Maryland Ave. and 101, 103, 105, and 107 Fleet Street		
SUBDIVISION	LOT	BLOCK	
	Lots 1,3,4,5,6,& 7 and Outlots A & B	2	
ZONING	TAX ACCOUNT NO	PROPERTY SIZE (in square feet)	
MXT		42,217 (Lots 1,3,4,5,6,& 7 and Outlots A & B)	
APPLICANT*	NAME		PHONE / FAX / E MAIL
	FIRST	LAST	
	James A.	Brown, Jr.	P: 301-493-6000 F: 301-493-9788 jbrown@victoryhousing.org
PROPERTY OWNER	MAILING ADDRESS - NUMBER, STREET, CITY, STATE, ZIP		PHONE / FAX / E MAIL
	FIRST	LAST	
	Alisa	Wilson	P: (240) 777-3623 alisa.wilson@montgomerycountymd.gov
ARCHITECT Registration #	COMPANY		
	Grimm + Parker Architects		
	LAST	FIRST	
Schutz	Logan		

SCOPE OF WORK		
<input checked="" type="checkbox"/> FENCE	<input type="checkbox"/> MATURE TREE REMOVAL	<input type="checkbox"/> CHIMNEY
<input type="checkbox"/> SIDING/TRIM	<input type="checkbox"/> WINDOWS/DOORS	<input type="checkbox"/> MISCELLANEOUS
<input type="checkbox"/> SIGNAGE	<input type="checkbox"/> ADDITION	<input type="checkbox"/> ORDINARY MAINTENANCE
<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> ROOFING	<input type="checkbox"/> NEW CONSTRUCTION
<input checked="" type="checkbox"/> LANDSCAPING	<input type="checkbox"/> ACCESSORY BUILDING	<input checked="" type="checkbox"/> OTHER <u>Shared-use path; emergency access drive</u>

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

Description of the proposed work in brief (attach additional sheets as necessary):

Improvements related to the construction of an 86-unit affordable housing community for independent seniors on property adjacent to an historic district in the City of Rockville

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

TO BE COMPLETED BY STAFF	
Application #:	<u>10-00000000000000000000</u>
Public Hearing Date	<u>5/20/10</u>
Decision	<input type="checkbox"/> Approved <input type="checkbox"/> Staff Approval <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
45 Day Review Date:	<u>6/15/10</u>
Staff reviewer:	<u>LDZ</u>

Signature of Applicant [Signature] Pres.

Received by:	<u>[Signature]</u>
Accepted by:	<u>[Signature]</u>
Date:	<u>5/17/10</u>

See reverse side
Revised 3/07

A-3





HDC

SUBMITTAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION (HDC) CERTIFICATE OF APPROVAL

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

1. PRE-APPLICATION MEETING

A pre-application meeting with the historic preservation staff is recommended prior to filing all applications. Please call the preservation office at 240-314-8230 to schedule a meeting with staff.

2. COMPLIANCE WITH GUIDELINES

Projects must comply with the City's *Technical Guides for Exterior Alterations*, available via the Internet at www.rockvillemd.gov/historic/tech-guides.html or in printed form at the Department of Community Planning and Development Services.*

3. FILING LOCATION

Applications must be filed with the City of Rockville Community Planning and Development Services Department at 111 Maryland Avenue, Rockville, MD. Applications will not be accepted until they are determined to be complete by City staff. The application must be filed by the last Tuesday of the month prior to the scheduled Historic District Commission meeting.

4. INSPECTION OF THE PROPERTY

Members of the Historic District Commission and City staff must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided that reasonable notice is given for said inspection.

5. HEARING/MEETING APPEARANCE

Once the application is complete, staff will set a tentative date for a public hearing by the Historic District Commission. Meetings of the Commission are held on the third Thursday of the month, in the Mayor and Council Chambers at City Hall at 7:00 p.m. The applicant, or a representative designated by the applicant, should be prepared to present his/her case before the Historic District Commission. The applicant will have the opportunity to ask questions and respond to comments at the public hearing. HDC decisions may be appealed to the Circuit Court of Montgomery County.

6. FILING DEADLINES

Applications are due by the last Tuesday of the month preceding the regularly scheduled HDC meeting. A schedule of filing deadlines is maintained by the Planning Division.

7. SIGN

A sign will be posted by the City staff on the property announcing the public hearing by the Historic District Commission approximately one week prior to the meeting.



 Applicant's Signature

4/27/10

 Date

*In addition to the City's Technical Guides for Exterior Alterations (see #2 above), applicants may also find it useful to consult the following publications:

- The Secretary of the Interior's Standards for Rehabilitation: www.cr.nps.gov/hps/tps/standards/rehabilitation.htm
- The HDC's Adopted Architectural Design Guidelines: www.rockvillemd.gov/historic/guidelines1977.htm



LAW OFFICES
MILLER, MILLER & CANBY ATTACHMENT B
 CHARTERED

REC'D COMMUNITY PLANNING AND DEVELOPMENT SERVICES
 APR 02 2010

PATRICK C. MCKEEVER (DC)
 JAMES L. THOMPSON (DC)
 LEWIS R. SCHUMANN
 JODDY S. KLINE
 ELLEN S. WALKER
 MAURY S. EPNER (DC)
 JOSEPH P. SUNTUM

200-B MONROE STREET
 ROCKVILLE, MARYLAND 20850
 (301) 762-5212
 FAX (301) 424-9673
 WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
 ROBERT E. GORGH
 DONNA E. MCBRIDE (DC)
 GLENN M. ANDERSON (FL)
 MICHAEL G. CAMPBELL (DC, VA)
 SODI LEE CHO (CA)
 AMY C. GRASSO

* All attorneys admitted in Maryland and where indicated

SLCH10@MMCANBY.COM

March 30, 2010

Mr. Cas Chasten
 City of Rockville
 Planning Department
 111 Maryland Avenue
 Rockville, MD 20850

RE: Victory Court Senior Housing Project;
 Site Plan Application STP2010-00034;
 Letter re Status of Special Exception Conditions of Approval

Dear Cas:

Per your request, the following information describes how the Applicant has complied or will comply with the conditions of approval set forth in the Board of Appeals Amended Decision dated January 20, 2010 relative to Special Exception Application SPX2009-00378.

The Applicant's responses are set forth below to the conditions as described:

1. *Site improvements and building construction activity must be conducted in substantial accordance with the site development and building plans as submitted.*

RESPONSE: Applicant will comply with all requirements.

2. *The site development plan shall be amended to clearly denote/identify location of resident, staff, and visitor parking spaces.*

RESPONSE: Applicant will amend the Site Plan submission to clearly denote parking spaces as required along with other comments anticipated to be received at the Development Review Committee meeting scheduled for April 1, 2010.

3. *The proposed twelve (12)-space parking lot located within the site's historic district will be eliminated and shall be redesigned as an access way for emergency vehicular access via Maryland Avenue.*

RESPONSE: Applicant has complied with this condition.

4. *The applicant will work with the Fire Marshal to determine appropriate signage and/or other improvements needed to clearly demarcate the "End of Fire Department Access," e.g., the area (as shown on the accompanying site plan) that will allow fire department vehicular access via Maryland Avenue.*

RESPONSE: Applicant will comply with this condition.

5. *Prior to the project's Site Plan Approval stage, the applicant and property owner will work with the County agency which has oversight over its structured parking facilities, to determine the feasibility of allowing employees of the proposed senior housing facility, to access and park their personal vehicles in the neighboring County-owned parking garage located at the corner of Fleet Street and Monroe Street. Such an agreement would enable the applicant to pick up the twelve (12) on-site parking spaces eliminated with the removal of the proposed twelve (12) space parking facility located within the site's historic district.*

RESPONSE: Applicant is in the process of addressing this condition.

6. *The August 5, 2009 "Transportation Report" must be revised as follows:*
- a. *Remove the verbiage "the Bicycle Master Plan recommends a width of ten (10) feet."*
 - b. *Remove the verbiage, "However, the project area does not abut Fleet Street and, therefore, is not within the scope of this Transportation Report." Replace it with a statement that indicates that it is within the scope of the project.*

RESPONSE: Applicant is in the process of addressing this condition.

7. *Site refuse and trash collection must be conducted in accordance with applicable City Code and the County's Noise Ordinance.*

RESPONSE: Applicant will comply with this condition.

8. *The applicant will upgrade the existing water main located in Monroe Street between the two existing 8-inch mains at Fleet Street and Courthouse Walk.*

RESPONSE: Applicant is in the process of addressing this condition.

9. *The applicant must comply with the Stormwater Management (SWM) concept plan conditionally approved on April 23, 2009. If final engineering plans and a permit for construction are not approved and issued by May 4, 2010, the concept plan approval may become void. The site must then comply with the new State of Maryland stormwater regulations.*

RESPONSE: A revised SWM concept plan was approved on March 2, 2010 by DPW which supersedes the previous concept plan approval and which states that the concept is consistent with the City of Rockville's interim guidelines for MDE's ESD requirements, and as such, the May 4, 2010 approval deadline does not apply.

10. *The applicant must study the existing storm drain outfall for safe conveyance of stormwater between the project site and the Mount Vernon Place outfall behind Richard Montgomery High School. The results of this study may require an upgrade at the applicant's expense, to the public storm drain system. This study must be completed during the detailed engineering review.*

RESPONSE: Applicant is in the process of addressing this condition.

11. *The applicant will upgrade and install new sidewalks, together with accompanying planting strips, along Maryland Avenue and Monroe Street and a shared use path along the site's Fleet Street frontage. Ultimate design of all such street frontage improvements will be determined at the project's Site Plan Application stage.*

RESPONSE: Applicant is in the process of addressing this condition in conjunction with transportation staff, historic preservation staff and the HDC.

12. *A Final Forest Conservation Plan shall be submitted in connection with the Site Plan and reflect the following revisions to the Preliminary Forest Conservation Plan:*
- a. *Reduce and revise the proposed planting within the forest save/forest conservation easement area to reflect the locations of the existing trees.*
 - b. *Provide tree planting on the lots within the Historic District.*

RESPONSE: Applicant will comply with this condition, subject to HDC approval of proposed tree plantings on historic district lots.

13. *The applicant shall work with the City Forester and Planning staff to refine the landscaping in the rear of the building, i.e., specific site locations, species type, and number of proposed plantings.*

RESPONSE: Applicant will comply with this condition.

14. *All forest conservation and significant tree replacement requirements shall be met on-site in accordance with the plans submitted.*

RESPONSE: Applicant will comply with this condition.

15. *All proposed outdoor/exterior site lighting must be installed in accordance with applicable requirements of the City's Landscaping, Screening, and Lighting Manual. The location of all lights should be clearly denoted on the site plan, and a lighting plan showing that lights do not create glare or excessive light spillage onto neighboring land uses must be submitted for review and approval by the Chief of Planning as part of the project's Site Plan Application.*

RESPONSE: Applicant will comply with this condition.

16. *The applicant shall make, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP project. The applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Monroe Street frontage. The easement must be recorded prior to issuance of the building permit.*

RESPONSE: Applicant will comply with this condition prior to issuance of the building permit.

17. *The roof height shall be 39 feet or less, measured from the street grade elevation for Monroe Street opposite the middle of the front of the building to the highest point of roof surface of the flat roof.*

RESPONSE: Applicant's revised elevations comply with this condition.

Thank you for your consideration of the above.

Sincerely,

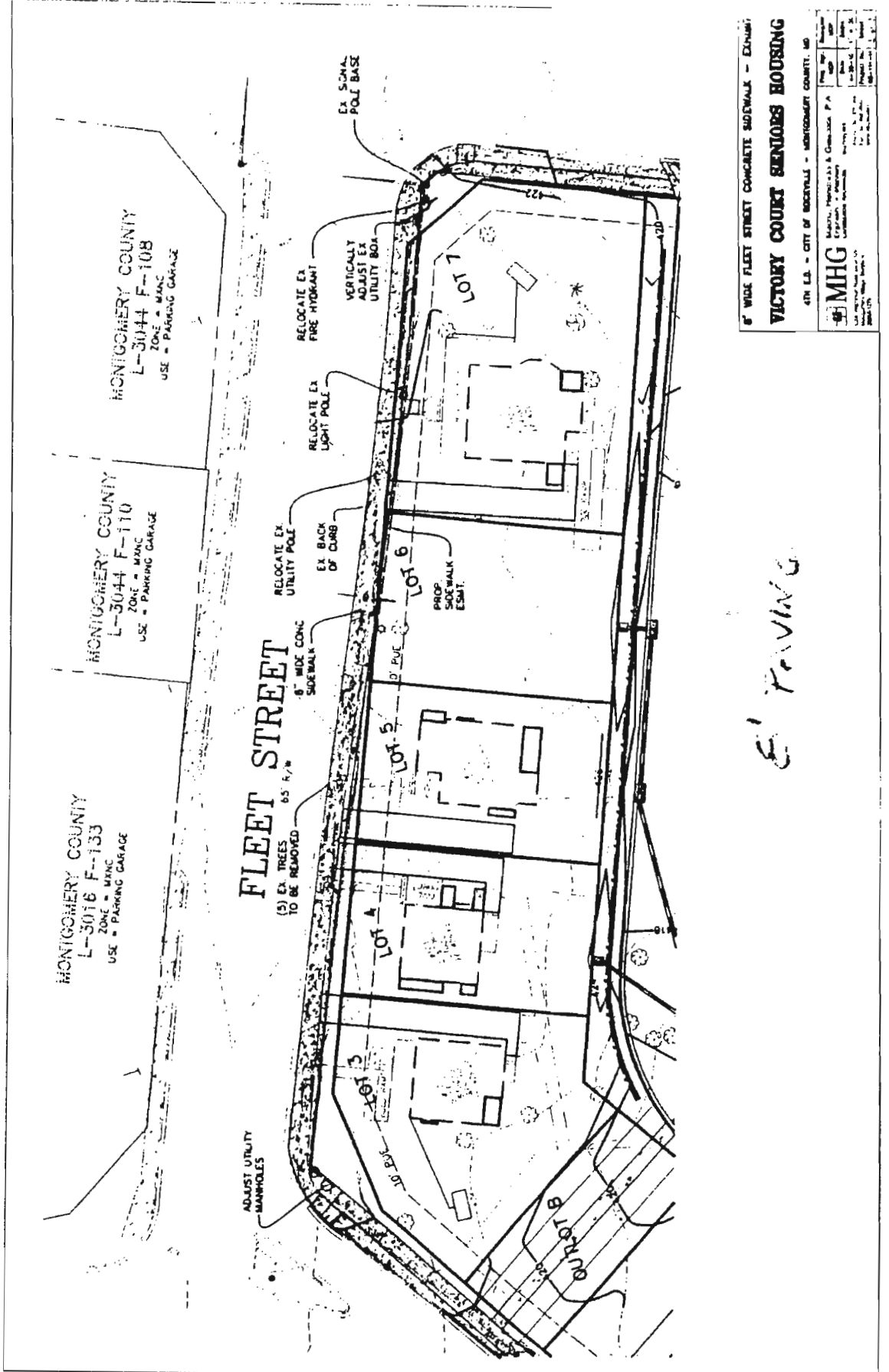
MILLER, MILLER & CANBY


Soo Lee-Cho

B - 4

cc: Jim Wasilak
Bobby Ray
Jim Brown
Jeff Blackwell
Mike Plitt
Logan Schutz
Jody S. Kline, Esquire

B-5



8' WIDE FLEET STREET CONCRETE SIDEWALK - EXHIBIT
VICTORY COURT SENIORS HOUSING
 4TH FL. - CITY OF ROCKFELLER - MONTGOMERY COUNTY, MO
MHG
 Mark H. Glick, P.E.
 Mark H. Glick & Associates, P.A.
 1000 N. 1st St., Suite 200
 St. Louis, MO 63102
 Phone: (314) 433-1111
 Fax: (314) 433-1112
 Email: mhg@mhgpa.com

E. F. V. I. N. G.



City of Rockville
MEMORANDUM

May 14, 2010

TO: Jim Wasilak, Chief of Planning

FROM: Rebecca Torma, Transportation Planner II *RT*

VIA: Emad Elshafei, Chief of Traffic and Transportation *EE*
Mark Wessel, Civil Engineer III *MW*

SUBJECT: Rockville Heights Historic District Shared Use Path, HDC2010-00496
Victory Court, 209 Monroe Street

The Department of Public Works (DPW) recommends the Historic District Commission approve a small encroachment along Fleet Street into lots 6 and 7 of the Rockville Heights Historic District for the installation of an eight-foot sidewalk/shared use path.

During the development review process, DPW has the responsibility to ensure that projects comply with all codes and standards applicable within City right of ways. Requirements for right of way improvements are based on the City Code, the Bikeway Master Plan (BMP), and Americans with Disabilities Act (ADA).

City Code Chapter 21 titled, "Streets and Public Improvements", dictates the standards for sidewalk width in the public right of way by road designation. Fleet Street is classified as a Business District road and under Subsection 21-60(3)e., it states "sidewalks shall be built from the property line to the back of the curb". The property line along the frontage of the historic homes varies from four to twelve feet behind the curb. Currently, a six-foot sidewalk exists on the back of curb. DPW requires replacement of this sidewalk and seeks an additional two-foot encroachment to install an eight-foot sidewalk/shared use path. The eight-foot sidewalk is more in conformance with City Code and will minimize impacts to the historic lots.

The BMP provides recommendations and standards for installing bicycle facilities, including shared use paths. A shared use path is intended to accommodate various non-motorized users and supplement a system of on-road bicycle facilities by providing a safer condition for roads with heavier volumes and faster traffic. The BMP recommends a ten-foot wide shared use path with a grass strip between the road and the path. When right-of-way space is limited, the BMP allows up to a two-foot reduction in path width. It further states in situations where the right-of-way is not adequate, installing the full path width adjacent to the curb without the grass strip is preferred over reducing the path width to accommodate a grass strip. The BMP recommends a shared use path along Fleet Street between Maryland Avenue and Wootton Parkway. The shared use path from Wootton Parkway past Richard Montgomery High School has been completed. Construction of the path in front of the historic homes will nearly complete the entire connection to Wootton Parkway. Staff is requesting an encroachment into the historic district to install of an eight-foot path, which will comply with the minimum standards recommended by the BMP.

ADA sets standards for sidewalk widths and grades. The existing sidewalk in front of all the Fleet Street historic homes is not in compliance with ADA standards since it is too steep and narrow for disabled individuals to safely navigate. The increased sidewalk width and reconstruction of the driveway aprons required with this project will meet the ADA standards.

DPW has reviewed an alternative path configuration that was discussed at the HDC's March 18, 2010 meeting, which consisted of a six-foot wide path with a two-foot grass strip between the curb and road. However, this path configuration is not consistent with the BMP or in compliance with the City Code. The eight-foot wide path behind the curb minimizes the impacts to the historic district boundary while still being Code compliant and acceptable under the BMP.

Therefore, in order to comply with City Code, BMP recommendations and ADA standards, DPW, in conjunction with approval from the HDC, will require the applicant, Victory Court Housing, to replace the existing sidewalk along Fleet Street with an eight-foot wide sidewalk/shared use path. A public improvement easement will be established in order to construct the sidewalk on the historic lots.



LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
JOSEPH P. SUNTUM

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850
(301) 762-5212
FAX (301) 424-9673
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

January 11, 2010

Dear Property Owner/Resident/Tenant:

Please be advised that a Pre-Application (PAM2010-00020) has been submitted to the City of Rockville seeking Site Plan approval for the Victory Court Senior Housing Project to be located on property bordered by Maryland Avenue on the west, Fleet Street on the north and Monroe Street on the east, also known as the "Fleet Street Property". The Board of Appeals Decision to approve the associated Special Exception Application for Housing for Senior Adults (SPX2009-00378) for Victory Court was adopted on January 9, 2010.

The Applicant is proposing to develop and operate an 86-unit affordable housing community for independent elderly residents that will also include amenities for the residents such as a community room, living room, TV room, arts & crafts room, wellness center, computer room and exercise room.

In compliance with the City's Zoning Ordinance, an Area Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to comment on the proposal. The Area Meeting will be held on **Thursday, January 28th at 7:00PM** in the First Floor Auditorium of the Council Office Building (COB) located at 100 Maryland Avenue, Rockville, MD 20850.

At this meeting the Applicant will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,
On behalf of Applicant, Victory Housing, Inc.

Soo Lee-Cho

ATTACHMENT "E"



LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
JOSEPH P. SUNTUM

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850
(301) 762-5212
FAX (301) 424-9673
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

April 5, 2010

Dear Property Owner/Resident/Tenant:

Please be advised that a Site Plan Application (STP2010-00034) has been submitted to the City of Rockville seeking approval of the Victory Court Senior Housing Project to be located on property bordered by Maryland Avenue on the west, Fleet Street on the north and Monroe Street on the east, also known as the "Fleet Street Property". The Board of Appeals Decision to approve the associated Special Exception Application for Housing for Senior Adults (SPX2009-00378) for Victory Court was adopted on January 9, 2010.

The Applicant is proposing to develop and operate an 86-unit affordable housing community for independent elderly residents that will also include amenities for the residents such as a community room, living room, TV room, arts & crafts room, wellness center, computer room and exercise room.

In compliance with the City's Zoning Ordinance, an Area Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to comment on the proposal. The Area Meeting will be held on **Thursday, April 22nd at 7:00PM** in the Cafeteria of the Council Office Building (COB) located at 100 Maryland Avenue, Rockville, MD 20850.

At this meeting the Applicant will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,
On behalf of Applicant, Victory Housing, Inc.

Soo Lee-Cho

ATTACHMENT "F"



MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
 JAMES L. THOMPSON (DC)
 LEWIS R. SCHUMANN
 JODY S. KLINE
 ELLEN S. WALKER
 MAURY S. EPNER (DC)
 JOSEPH P. SUNTUM

200-B MONROE STREET
 ROCKVILLE, MARYLAND 20850
 (301) 762-5212
 FAX (301) 424-9673

WWW.MILLERMILLERCANBY.COM

** All attorneys admitted in Maryland and where indicated*

SUSAN W. CARTER
 ROBERT E. GOUGH
 DONNA E. McBRIDE (DC)
 GLENN M. ANDERSON (FL)
 MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE CHO (CA)
 AMY C. GRASSO

SLCHO@MMCANBY.COM

May 3, 2010

Dear Property Owner/Resident/Tenant:

Please be advised that a Site Plan Application (STP2010-00034) has been submitted to the City of Rockville seeking approval of the Victory Court Senior Housing Project to be located on property bordered by Maryland Avenue on the west, Fleet Street on the north and Monroe Street on the east, also known as the "Fleet Street Property". (The Board of Appeals Decision to approve the associated Special Exception Application for Housing for Senior Adults (SPX2009-00378) for Victory Court was adopted on January 9, 2010.) In addition, a companion application for Historic District Commission Certificate of Approval has been submitted for certain improvements proposed within the Rockville Heights Historic District related to the Victory Court Senior Housing Project, i.e., shared use path along Fleet Street, emergency access, landscaping/plantings, etc.

The Applicant is proposing to develop and operate an 86-unit affordable housing community for independent elderly residents that will also include amenities for the residents such as a community room, living room, TV room, arts & crafts room, wellness center, computer room and exercise room.

In compliance with the City's Zoning Ordinance requirements, a Historic District Commission meeting and Planning Commission hearing will be held to provide you an opportunity to become fully aware of the proposal and to give you an opportunity to provide input. Members of the public will be given an opportunity to address both the Historic District Commission and Planning Commission at their respective meetings. Please see meeting/hearing information in the table below.

Date	Time	Meeting / Hearing	Location / Address
May 20 (Thursday)	7:30PM	Historic District Commission	Rockville City Hall - Mayor & Council Chambers 111 Maryland Ave. Rockville, MD 20850
June 23rd (Wednesday)	7:00PM	Planning Commission	Rockville City Hall - Mayor & Council Chambers 111 Maryland Ave. Rockville, MD 20850

Should you have questions regarding this matter, please contact the City of Rockville's Community Planning and Development Services Department at (240) 314-8200 and ask for Ms. Robin Ziek with regard to the Historic District Commission meeting or Mr. Cas Chasten with regard to the Planning Commission meeting. The staff report to the Historic District Commission will be available on or about Thursday, May 13th at City Hall or at <http://www.rockvillemd.gov/government/commissions/hdc/index.html>. The staff report to the Planning Commission will be available on or about Friday, June 11th at City Hall or at <http://www.rockvillemd.gov/government/commissions/pc/10-schedule.html>.

Sincerely,
 On behalf of Applicant, Victory Housing, Inc.

Jody S. Kline

Soo Lee-Cho

ATTACHMENT "G"