

Appendix I: Community correspondence in opposition to the project

## Hisel-McCoy, Elza

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**From:** Phyllis Giroux [portland2175@gmail.com]  
**Sent:** Friday, May 01, 2009 8:03 PM  
**To:** Hisel-McCoy, Elza; councilmemberervin@montgomerycountymd.gov  
**Subject:** Fenton Street Businesses

Dear Madam:

I want to speak on behalf of the businesses around Fenton Street and Thayer/Silver Spring Avenue where developer Bob Hillerson wants to build 3-story underground parking.

My reasons:

- the safety issues: 3 story underground parking would be welcomed by drug and criminal elements, and clients and customers of businesses would be put in danger.
- the lone entrance is convenient for the developer's new retail areas but not for businesses on the Fenton St. end of the block.
- the public parking on the south side of Silver Spring Avenue is sufficiently close. If the building is not in good condition, then fixing it is in order, either by the county or the developer. No additional parking to what is already in the present parking lot between Fenton/Thayer/Silver Spring would be added by the new underground parking.
- business access by current business owners would be severely limited. Most are small businesses. The "little guy" loses again.
- the developer excludes current businesses from his retail design, yet creates a private road to access his own chosen businesses.
- the county gave the developer rights to a parking lot without public input. Working under the radar is not a compliment to the integrity of county officials.
- the county says it supports small businesses; this project harms businesses and their clients/customers.

Money speaks. It seems to be talking so loudly in this case that county officials cannot hear the voices of small businesses.

Yours truly,  
P Giroux  
Silver Spring MD  
and a customer of at least two businesses in that area

## **MCP-CTRACK**

**From:** Jane GGG [silverspringjane@yahoo.com]  
**Sent:** Thursday, January 29, 2009 1:08 AM  
**To:** MCP-Chairman; Hanson, Royce; Cryor, Jean; John Robinson  
**Subject:** please don't sell parking lot 3 in Fenton Village - Hillerson project.

**RECEIVED**  
0155  
JAN 29 2009

OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Good Morning Mr Chairman & Commissioners Cryor and Robinson.  
please don't sell parking lot 3 in Fenton Village & concerns about the Hillerson project.  
Let me know if there is another person to whom I should send comments.

Mr Hanson, I did read your article in today's paper. I agree with you. I'm enclosing some quotes at the bottom of my note ... and one here:

"...Livability: Developing livable places demands detailed attention to how we design both the public realm and the private and public structures that frame, define and confront it. Active, well-designed and landscaped streets, sidewalks and public gathering places foster commerce and civic life. <snip> .. Sustainable development also respects community history and character while encouraging compatible change.

Just to keep in contact, and hoping that you are collecting opinions - I'm coming to the opinion that the above ground parking lot 3 should NOT be sold to anyone, including Hillerson. I think that each of his buildings should be developed separately so that each can stand alone and meet P&P standards and assure that each has the required amenity. I am worried that for this particular developer, there is a risk that the consolidation is providing loop holes and he would develop what he wants and conveniently "run out of money" by the time the required amenities are on the schedule. Already, he is "socializing" the idea that one of the apartment/condo buildings (on Silver Spring Ave) will be a Hotel instead of containing housing.

I think the Fenton street village needs above ground parking for the 10-15 minute type stops to the coffee shop, shoes, cleaners, etc. Who is really going to park in an underground lot proposed to enter up by Georgia and SSp avenue. Hillerson's plans show the entrance into the below ground replacement lot at Georgia Ave and SSp. You would enter at the end of the alley across from the old fire station - way far away from Fenton street. To walk to the businesses you would have to walk a full block down SSP and then a block north. This does not serve the 10-15 minute type stop to the shoe man..

The examples of existing above ground parking at the fringe of a CBD are (1) corner of Georgia and Colesville in Silver spring, and also (2) if you want to look at Bethesda, go the little strip mall on Bradley on the edge of the Bethesda business district - hardware store, bakery, drug store, etc , book ended by the two Grocery stores: Giant and Safeway. I am looking for the analogous word for "ergonomic" as it applies to a community , perhaps it is "livability".

In an unscientific poll at that district 20 democratic breakfast club, I could not find any woman that would favor parking in an underground lot verses the above ground parking lot 3 on Fenton. I found many men that agree with that as well.

In addition, the confluence of - (a) this particular developer and his (b) exploited workforce housing idea with the extra floors with no way to measure how much is enough for the developer to make money, and (c) selling the above ground parking lot #3 and (d) the absence of green space viewable from Fenton Street - appears to be a disaster from a neighborhood livability point of view.

The developer has said, and it has been recorded in many meeting minutes (Urban district meeting and ESSCA meeting and Round house meeting) that (1) the entire block will be a war zone for 10 years (2) there will be NO parking available AT ALL for at least the first 2 years of the project. He has also said that he would leave it looking awful for the next 20 years if he doesn't get what he wants.

Also, It has been reported to me that the developer is trying to intimidate adjacent property owners to "sign over" their easement rights on the alleys around the parking lot. He as told them that they must sign their rights over or else he will take action with his lawyers. One of these owners is an 85 year old . She now has a property atty. Equally disturbing is that people from the SS Regional center are accompanying the developer on these visits. These folks need their easements to receive deliveries and conduct business.

It has been reported to me that since the intimidation tactics are not working, the developer is formally requesting that these pieces or alleys are declared as "abandoned" and not as part of the project but as a stand alone action, so that there are no conditions to the "abandonment". I hope that the county will check this proposed action and make sure that the property owners' rights are protected.

Further, and I probably should mention this first, the current proposal does not benefit the exiting residential community at all, rather it is a development of a self sufficient block, turned into itself, which is enclosed and serves itself, not anyone in the community. The design could be plopped anywhere and does not integrate into the community or call the community into it. The green space inside the block is really the backyard for the buildings. It's like a secret court yard. That's a really cool thing , but NOT for this project in this location. It would be good for a City College campus, or a cloister, where you are trying to create a mini, succinct sub-environment, like they do at GW University on 21 street, and on H between 20 and 21st.

I hope that this is useful communication for you, as input from a community member.  
and if you would like additional information.

I think that work force housing could work successfully in this spot, green space can be placed in this spot, viewable and accessible from Fenton street, and the above ground parking lot 3 can be maintained, an additional underground lot can be added , but we are going to have to work very hard to make sure it happens to the benefit of the community. At this time, we don't see any benefits, only negative impacts.

Thank you, Jane Gorbaty,  
Grove Street, Silver Spring

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**your article:**

[http://www.gazette.net/stories/01282009/montcol174603\\_32471.shtml](http://www.gazette.net/stories/01282009/montcol174603_32471.shtml)

<snip>

*Diversity: Great centers are places where people of all incomes, ages, and household sizes can live, work and meet their changing needs. We can create them here by planning for centers that perform distinct economic and social functions. Each should offer a range of housing opportunities, mobility options, economic activity, entertainment, recreation and culture. Spaces for local merchants, places for spontaneous activity, and opportunities for organic growth and change are essential.*

*Livability: Developing livable places demands detailed attention to how we design both the public realm and the private and public structures that frame, define and confront it. Active, well-designed and landscaped streets, sidewalks and public gathering places foster commerce and civic life. Public buildings must set high standards for outstanding design, energy efficiency, and environmental protection. Sustainable development also respects community history and character while encouraging compatible change.*

*We can enhance the livability of established neighborhoods by increasing opportunities for housing for all life stages. We also want to require more options for moving people while we improve the aesthetic and natural environment. We can reinforce neighborhood stability by improving access to parks, calming traffic, remodeling schools, and beefing up programs in safety, recreation and environmental health.*

*Flexibility: A sustainable growth policy will encourage experimentation and timely adjustments to markets and public needs. Our zoning regulations are outdated, complex and rigid. They keep pigs out of parlors but provide little room for creative design.*

*Achieving sustainable growth will involve transforming a culture of planning and development defined largely by what cannot be done to one defined by performance: Does a plan, project or building improve the county's economy, environmental quality and social equity?*

*There will be some short-term disruptions and inconvenience. We will make mistakes. But the choices we make now are as critical to the next generation as those made some 40 years ago were to this one.*

1. **Problem:** The proposed project negatively impacts and denies access to adjacent properties.

**Solution:** We understand that you will be working with these property owners to find a solution. If agreeable to the owners of these buildings, we would like to see the Thai market building included more in the new development by creating an entrance in the rear of their building onto the new retail plaza. Also, if access is provided to the CD publishing building, we would like to add 10-12 surface, short-term parking meters which can be seen from and accessed by Fenton Street in front of the CD publishing building. Again, we suggest this only if it is agreeable to the current property owners.

2. **Problem:** The proposed project is isolated from the rest of Fenton Village and will not encourage foot traffic on Fenton Street and Thayer Avenue. The project is not integrated with the rest of Fenton Village.

**Possible Solutions:**

**Lighting:** Require the same lighting throughout Fenton Village. Fenton Street, Thayer Avenue and Silver Spring Avenue have very poor lighting. As proposed, the new project will have brighter lights and its own security. This will give the appearance of an oasis surrounded by dark, scary streets and discourage pedestrians from venturing out of the new project. Consistent lighting would integrate all of Fenton Village and identify the whole village as a place instead of just one shopping plaza.

3. **Problem:** Poor Visual and Tunnel Effect from Fenton Street

**Possible Solutions:**

Move green space closer to Fenton Street so it can be more easily seen and accessed from Fenton Street.

Allow entrance to parking garage from alley on Fenton.

4. **Problem:** Access to Parking is not Equitable  
The proposed project moves the current 150 spaces west across the street from a parking garage on Silver Spring Avenue and away from the businesses on Fenton Street. The proposal also allows for 350 parking spaces for an office building one block from a parking garage and two blocks from the Metro station.

Although we understand the desire to encourage the use of public transportation and limit driving, it is the existing businesses on Fenton Street who will make the parking sacrifice--not the new development. The spaces on the current lot will be moved further west to accommodate the 60,000 new square feet of retail at the expense of existing businesses.

**Possible Solutions:** Locate the underground parking further east toward Fenton Street and allow access from Fenton Street via the existing driveway.

Repair Silver Spring Parking Garage No. 4 (west of Fenton Street and south of Silver Spring Avenue) across the street from the proposed development and use this garage for parking for the new retail businesses.

5. **Problem:** Underground Parking has not been successful in the past due to crime and inconvenience. We understand the need to maximize land use. However, once again Fenton Village is asked to make the sacrifice and will be at a disadvantage in competing with the above ground parking in the downtown.

**Possible Solutions:**

Install some short-term surface parking close to Fenton Street. This allows for the safety of above ground parking, supports existing businesses on Fenton Street and creates a more open visual affect from Fenton Street

Repair Parking Garage No. 4. Leave this garage above ground and do not develop it.

6. **Problem:** The density proposed by this development will have a significant effect on our community. We are pleased that green space is included in the new development. However, this green space will serve as the "front yard" for 500 housing units (500-1,000 residents) and border a new retail street and an office building. There will be no green space benefit for the current residents of Fenton Village.

**Possible Solutions:** The Police Station on Sligo Avenue is scheduled to move to White Oak in the next few years. We would like to see this parcel turned into a park. It would greatly alleviate the crowding in Fenton Village and serve as a buffer between the commercial area and the single-family homes in the adjacent neighborhood. Since it is zoned as R-60, only 1-2 homes could be built there anyway, so there is no major loss of housing.

7. **Problem:** Slippery Streetscaping Bricks. The required streetscaping in Fenton Village east of Georgia Avenue includes brick sidewalks that are extremely slippery when wet. Some pedestrians are now walking in the street to avoid falling. Disabled pedestrians are now also requesting a change because the bricks are uneven from settling.

**Solution:** Do not require the Studio Plaza to put these bricks on any public street that it will border, e.g. Fenton Street, Thayer Avenue and Silver Spring Avenue. It would be a waste of money, since it appears that the County will have to change them for the disabled.

We trust that you will give our suggestions serious consideration and look forward to hearing from you soon.

Sincerely,

Board of Directors  
East Silver Spring Citizen's Association (ESSCA)  
Bob Colvin  
President