

This proposal meets the goals of each of these themes. The site is located approximately one-quarter mile from the Silver Spring Transit Center, which contains local and regional rail and numerous bus lines. The project proposes a vertical mix of uses, with office, multi-family residential, and possibly hotel uses, all above retail, restaurant, and potentially other street-activating ground floor uses. Central to the design is a large public civic green space, and each street, public or private, contained within or adjacent to the site will provide street trees, upgraded street lights, and other improvements required as part of the Silver Spring streetscape standard. Highlighting the civic nature of the central green will be a significant public art component, to be integrated with the design and configuration of the surrounding buildings so as to boldly empower the space to reach out of the center of the block to the adjacent streets and the neighborhoods beyond. Finally, this urban infill project will expand and improve the street and pedestrian network and experience in Fenton Village, with through-block connections, attractive streets, and exciting recreation, retail, and entertainment opportunities.

The Silver Spring CBD Sector Plan further identifies five “Revitalization Areas”, including Fenton Village, of which it said:

Pedestrian traffic in Fenton Village has declined due to a variety of real and perceived problems including lack of demand for the goods and services offered in Fenton Village, inadequate pedestrian circulation, concerns about security, the ability to attract office workers from the nearby Core, and the area’s deteriorating visual image.

The area is also physically disjointed, due to a lack of significant renovation or infill development in recent years. In more unified shopping districts, retailers benefit from the combined drawing power of the individual stores. In Fenton Village, the disjointed patterns of commercial activity and the lack of a resident population dilutes pedestrian traffic – a key component to retail vitality.¹

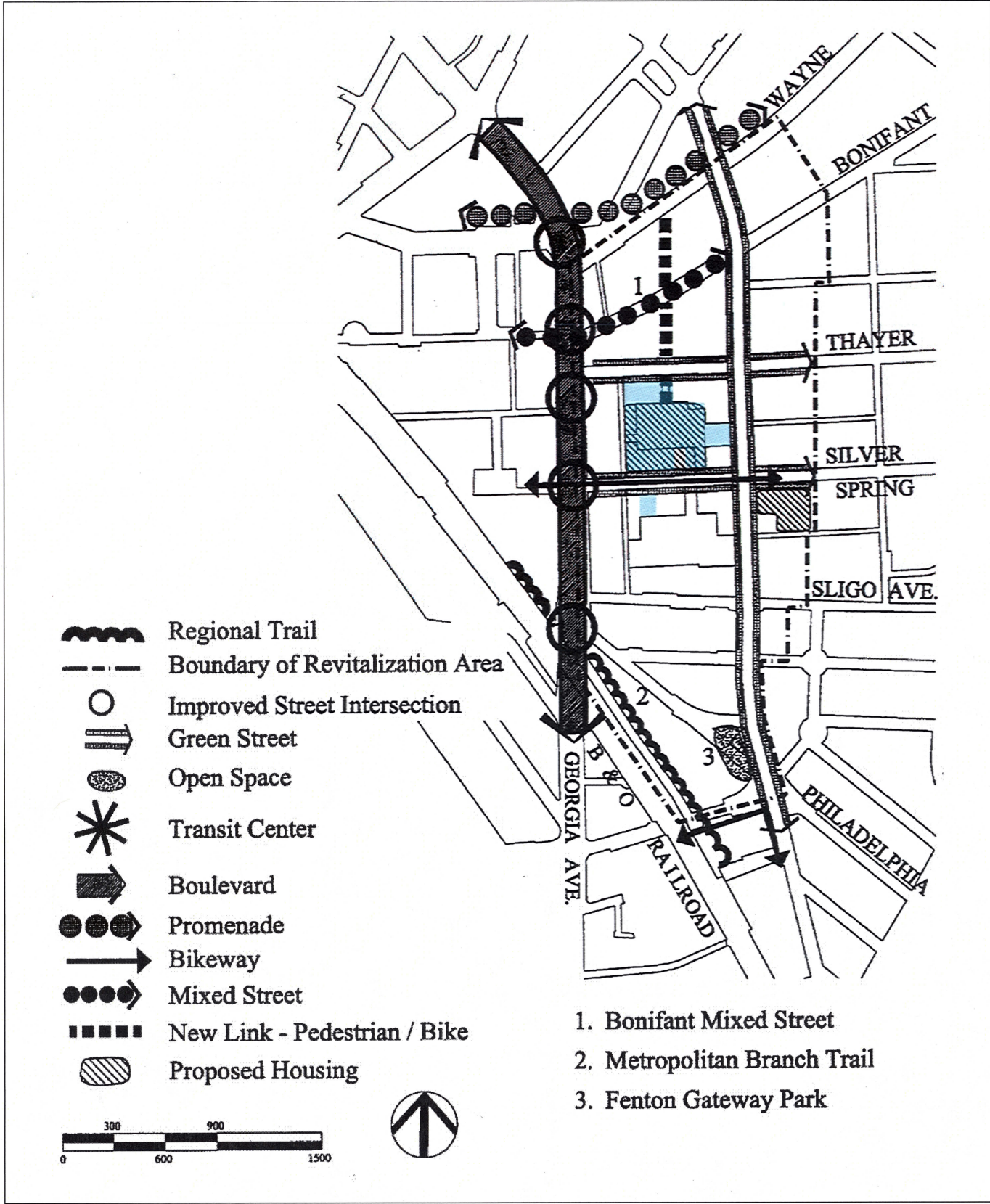
This project specifically addresses those issues.







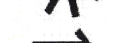





With the objective to “Revitalize Fenton Village by positioning it to benefit from redevelopment on the Urban Renewal site, facilitate housing that will upgrade the physical environment and bring in new residents, and provide a pedestrian-friendly environment that encourages people to stroll and stay”², the Sector Plan also made recommendations specific to Fenton Village.

The Plan increased the zoning in Fenton Village from CBD-0.5 to CBD-1, doubling the maximum density from FAR 1.5 to 3.0, identified locations for new housing (including this proposed site) and open space, and established an overlay zone to help ensure compatibility. This plan proposes boldly to fulfill the vision and goals of the Sector Plan.

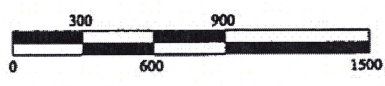
¹ Silver Spring CBD Sector Plan, 61

² *ibid.*



-  Regional Trail
-  Boundary of Revitalization Area
-  Improved Street Intersection
-  Green Street
-  Open Space
-  Transit Center
-  Boulevard
-  Promenade
-  Bikeway
-  Mixed Street
-  New Link - Pedestrian / Bike
-  Proposed Housing

1. Bonifant Mixed Street
2. Metropolitan Branch Trail
3. Fenton Gateway Park



Fenton Village Concept Plan

Transportation

During Preliminary Plan review, Transportation Planning staff will ensure the Applicant addresses all requirements of both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR).

Environment

The entire proposed development would be built on compacted, urban soils occupied currently by buildings or surface paved parking lots; there are no existing environmental features on site.

Development Standards

The subject Project Plan comprises land in the CBD-1, CBD-2, Fenton Village Overlay (FVO) Zones, which are governed by the development standards in Section 59-C-6 and 59-C-18 of the Montgomery County Zoning Ordinance. The CBD-2 portion of the site is an already improved site included solely for the transfer of unused density remaining on the site.

As the data table shows, all of the requirements of the CBD-1 and FVO are met by the subject Project Plan. The CBD-2 properties within this development do not contain proposed improvements. For a detailed calculation of the proposed base density, see Appendix K. Because this project is within a Parking Lot District, parking spaces are not required to be provided.

Project Data Table for the CBD-1/FVO Zones

Development Standard	Permitted/ Required	Proposed for Approval
Max. Building Height (feet)		
Building w/ min. 33 percent residential GFA; along the west side of Fenton Street	60	60
Building w/ min. 33 percent residential GFA	90	90
– to accommodate Workforce Housing	110	110
Min. Setbacks (feet)		
East Property Line	n/a	0
North Property Line	n/a	0
West Property Line	n/a	0
South Property Line	n/a	0
Min. Site Area (square feet)		
Gross Tract Area	18,000	222,592
Prior Dedication	n/a	41,971
Proposed Dedication	n/a	8,283
Net Tract Area	n/a	172,338
Max. Base Density (exclusive of residential density bonuses)		
Gross Area	626,781	626,781
Floor Area Ratio	2.82	2.82
Public Use Space (percent of net lot)		
On-Site Public Use Space	20	23.2
Off-Site Amenity Space	n/a	22.6
Total Public Use & Amenity Space	20	45.9

FINDINGS

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a Project Plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject Project Plan adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and Purposes Of The CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *“To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal Project Plan is approved on review by the Planning Board.”*

As recommended in the Sector Plan, this proposed Project Plan promotes mixed-use higher-density urban infill redevelopment. The project benefits from increased density and building height recommended by the Sector Plan and realized in the zoning. The proposed additional residential units and office space, combined with street-activating ground-floor retail and restaurants, will enliven and reinvigorate Fenton Village.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The Project Plan proposes a variety of land uses, including residential, office, retail and restaurant, and potentially hotel. Residences will include market rate units, MPDUs, and Workforce Housing. The central public use space and extensive pedestrian network will provide opportunity for a diversity of recreational activities, active and passive, for residents of both the project and the larger community as well as visitors.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

This project will make a significant contribution to the rebuilding of Fenton Village, replacing obsolete one- and two-story commercial buildings with mixed-use residential and office buildings with ground-floor retail and restaurant uses. These buildings will line the street edge, creating vibrant, attractive streetscapes. The smaller retail and restaurant spaces envisioned for this project are intended to retain and reinforce the neighborhood-serving character of the larger Fenton Village. Further, the addition of through-block connections – a new north-south private street and an east-west pedestrian promenade – will expand upon the existing sidewalk network in the CBD and create more opportunities for small retailers. In terms of building height, the taller buildings on the project will be located closest to Georgia Avenue, with height decreasing approaching Fenton Street and the single-family neighborhoods to the east, in conformance with the Sector Plan and the Fenton Village Overlay Zone. As conditioned, the project will also provide a reasonable alternative accommodation to adjacent buildings whose current service operations will be impacted.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

This project is located approximately one-quarter mile from the Silver Spring Transit Center, which includes local and regional rail service as well as numerous metropolitan bus lines. A commercial interstate bus depot is just one block south of the site. The proposed pedestrian-oriented improvements will augment and upgrade the existing sidewalk system and will provide residents and tenants of the project, as well as the larger community, greater access to transit.

- (5) *“To improve pedestrian and vehicular circulation.”*

The addition of two through-block pedestrian connections and streetscape upgrades will significantly improve already reasonably high-quality pedestrian circulation. Street-activating ground-floor retail and restaurant uses, as well as residential and office building entrances, will further improve circulation and increase pedestrian safety by placing more eyes on the street and encouraging foot traffic. The new mid-block private street will provide additional connectivity for vehicles within Fenton Village.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

Though the final unit mix will be determined during Preliminary and Site Plan review, the project will contain a significant number of residential units that will include substantial proportions of MPDUs and Workforce Housing, providing housing opportunities for people with a range of different incomes.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

This ambitious project assembles a large number of properties, with a gross tract area of about five acres, currently occupied by buildings and surface parking lots rendered obsolete in a redeveloping CBD. In proposing development in accordance with the goals of the Sector Plan, this project will provide highly desirable land uses and public spaces and amenities for Fenton Village.

Further Intentions of the CBD-1 Zone

Section 59-C-6.213(a) indicates additional intent of the CBD-1 Zone:

- (1) *“To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and”*

This development will provide an array of land uses – multi-family residential, office, retail, restaurant, and possibly hotel – that readily complements nearby uses, which include single- and multi-family housing, small office buildings, a supermarket, small-scale retail, and restaurants. The density and height of the development provides a

transition between the Georgia Avenue corridor, the Silver Spring Transit Center, and Downtown Silver Spring, and the lower-density development of Fenton Street and East Silver Spring. During Site Plan review, staff will undertake efforts to help ensure the small, diverse, neighborhood-scale of the retail enterprises. At that time, staff will also endeavor to increase the diversity of unit types, sizes, and bedroom counts to maximize the range of living accommodations.

- (2) *“To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.”*

Adjacent land uses located outside the CBD and Fenton Village consist primarily of single-family houses, with the buildings along both sides of Fenton Street defining the transition. In accordance with the Sector Plan and the Overlay Zone, the building heights within this project will step down to their lowest point along the west side of Fenton Street. This project will further reinforce Fenton Street as a neighborhood shopping street, providing small-scale retail and restaurant uses and building entrances, helping to activate this street.

Purpose of the Fenton Village Overlay Zone

Section 59-C-18.191 describes the purpose of the Fenton Village Overlay Zone:

- (1) *“facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;”*

The scale of this Project Plan enables the organized and cohesive development of the large majority of a single block in this revitalizing urban environment. The buildings are located directly on sidewalks and public open spaces, delineating these public streets and open places as the public realm.

- (2) *“encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;”*

This Project Plan features an attractive design that fits well between the higher densities along Georgia Avenue and Downtown Silver Spring and the lower-density development east of Fenton Village. The proposed buildings will achieve a minimum LEED-NC Certification and, if the standard is out of pilot phase, the development as a whole will achieve a minimum LEED-ND Certification. As conditioned, the proposed uses, as described above, are compatible with and complimentary to surrounding uses.

- (3) *“provide flexibility of development standards to encourage innovative design solutions;”*

This project benefits significantly from the flexible development standards, balancing private economic benefit with improved public benefit, consistent with the sector plan.

- (4) “allow for the transfer of the public use space requirement to other properties within the Overlay District; and”

The proposed development will transfer a total of 74,979 gross square feet of base density from three sending lots located across public rights-of-way, including Mayor Lane, Fenton Street, and Silver Spring Avenue, to the receiving portion of the site.

- (5) “allow new uses.”

The three new uses enumerated in the Overlay Zone – catering facilities, small bakeries, and computer component assembly firms – could each be well accommodated within the proposed development.

Requirements of the CBD-1 and Fenton Village Overlay Zones

The table on page 33 of the staff report demonstrates the conformance of the Project Plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

On-Site Public Use Space Improvements

- Central public open space, min. 40,000 sf, connected to surrounding streets
- Public art installations designed to highlight the location and identity of the central public space and attract visitors thereto
- Pedestrian promenade from Georgia Avenue/Mayor Lane to Fenton Street, lined with retail and restaurants with outdoor seating

Off-Site and Other Amenity Improvements

- Streetscape improvements along all frontages and on Mayor’s Promenade
- Undergrounding of all utility lines in Mayor Lane, as well as along site frontage on Fenton Street, Thayer Avenue, and Silver Spring Avenue.
- Improvements to Mayor’s Promenade as an extension of the through-block pedestrian system.
- Community trash and recycling centers for adjacent businesses currently using public alleys to locate dumpsters.

- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

By providing a mixed-use urban-infill development, this project fulfills each of the themes identified in the Silver Spring CBD Sector Plan regarding downtown development: Transit-Oriented; Commercial; Residential; Civic; Green; Pedestrian-Friendly. This proposal meets the goals of each of these themes. The site is located approximately one-quarter mile from the Silver Spring Transit Center, including local and regional rail and numerous bus lines. The project proposes a vertical mix of uses, with office, multi-family residential, and possibly hotel uses, all above retail, restaurant, and potentially other street-activating ground floor uses. Central to the design is a large public civic green space, and each street, public or private, contained within or adjacent to the site will have street trees, upgraded street lights, and other features of the Silver Spring streetscape standard. Highlighting the civic nature of the central green will be a significant public art project, to be integrated with the design and configuration of the surrounding buildings so as to boldly empower the space to reach out of the center of the block to the adjacent streets and the neighborhoods beyond. Finally, this urban infill project will expand and improve the street and pedestrian network and experience in Fenton Village, with through-block connections, attractive streets, and exciting recreation, retail, and entertainment opportunities.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

As conditioned, the project's size, intensity of development, design, operational characteristics, and staging are compatible with the existing adjacent development as well as the plan redevelopment of Fenton Village.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Other public facilities exist on or near the site and no expansion or renovation of these services will be required by the County. Initial review of this project by Transportation Planning staff and County agencies did not reveal significant issues. The project design and operational details must be approved by the respective agencies prior to preliminary plan approval. Further, the Applicant is replacing in kind the number of public surface parking spaces with public underground parking spaces.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method project would only allow a density of 2.0 FAR on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core

value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular site.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development will provide 15 percent MPDUs as required by Chapter 25A, based on the final number of dwelling units to be determined at Site Plan. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of Site Plan review.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could be achieved without the proposed transfer.*

The project will neither preserve a historic site nor implement an urban renewal plan. The proposed development will transfer to the receiving portion of the site a total of 74,979 gross square feet of base density from three sending lots located across public rights of way: Mayor Lane; Fenton Street; and Silver Spring Avenue. The additional density will contribute towards the compact redevelopment of this site and produce a more viable project than would be allowed without the proposed transfer.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan was stamped as received by the Environmental Planning Division on March 13, 2009. There is no forest on-site. Two specimen trees on-site will be removed and one specimen tree off-site on an adjacent property will be preserved. The site's entire requirement will be met with a fee-in-lieu payment.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The site's stormwater management concept plan was conditionally approved on January 21, 2009 by the Department of Permitting Services. The conditional approval notes that proposed stormwater management structures are shown different on the project plan than on the concept plan. The proposed method includes two underground vaults and filters. A revised concept plan was recently submitted to DPS to reduce stormwater runoff quantities to be captured by a series of proposed green roof tops. Any outstanding issues will be resolved at Site Plan review.

RECOMMENDATION AND CONDITIONS

Approval of Project Plan 920070010 subject to the following conditions:

1. Development Ceiling
 - a. The base density (i.e., not including any residential density bonuses) of the proposed development is limited to 626,781 square feet of gross floor area. The final total development ceiling, including all density bonuses, dwelling unit counts, and distribution of land uses will be determined at Site.
 - b. If, by time of Preliminary Plan review, the County Council approves a Zoning Text Amendment revising Section 59-C-6.2351 to allow the transfer of optional method density within CBD zones from lots smaller than 22,000 square feet, at Preliminary Plan the Applicant may revise the maximum base density established above without amending this Project Plan.

2. Accommodation of Adjacent Properties
 - a. For the Kalivas Property, the Applicant shall:
 - i. relocate the loading entrance to the west side of the building to facilitate loading from the alley behind the GranDesign building;
 - ii. replace, in close proximity to the rear of their building, the parking spaces currently accessible from the 16-foot alley located at the southeast corner of the Kalivas property;
 - iii. provide a secondary entrance to the building that would be more directly accessible to Studio Plaza patrons;
 - iv. coordinate construction phasing to maintain the loading function of Kalivas tenants;
 - v. construct, if the owners of the Kalivas property are not amenable to the above conditions, the alley configuration referred to in the Project Plan staff report as "Revised Option 2".

 - b. For the Gerecht Property, the Applicant shall:
 - i. install a commercial elevator inside the building convenient to the Fenton Street entrance;
 - ii. enclose the alcove at the parking lot entry as conditioned space;

- iii. make modifications to the building interior to accommodate the addition of the elevator
- iv. remove the pedestrian bridge;
- v. replace signage on the Fenton Street façade;
- vi. set back the proposed building to the north to allow a measure of light and air for the existing windows on the north elevation of 8204 Fenton Street;
- vii. if the owners of the Applicant and the owners of the Gerecht Property cannot agree to changes inside their building, the Applicant must provide one of two exterior options:
 - 1. an exterior elevator, as illustrated in the Project Plan staff report as “Exterior Elevator Option”; or
 - 2. an exterior stair connecting the pedestrian bridge to the Fenton Street right-of-way, referred to in the Project Plan staff report as “Exterior Stair Option.”
- c. The details of these improvements shall be determined at Site Plan.
- d. None of the development, permitting, and construction of the above items shall be at the expense of the owners of the Kalivas property for 8204 Associates.
- e. The final approved Project Plan shall illustrate each of the options described within this condition.

3. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 23 percent of the net lot area for on-site public use space and a minimum of 22 percent of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
- b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide a public art installation that announces the central public space and connects it in a meaningful, attractive, and enticing fashion to the surrounding streets and the larger community. This artwork should be integrated into the overall environmental design of the project, including the architecture, landscape, and hardscape features.
- d. The Applicant must present the public artwork to the art review panel for comment prior to approval of the site plan.
- e. The Applicant must provide a through-block pedestrian promenade from the intersection of Mayor Lane and Mayor’s Promenade east to Fenton Street. The paving on the existing section of Mayor’s Promenade must match that of the proposed promenade extension to Fenton Street.
- f. The Applicant must install the Silver Spring Streetscape standard, including paving, street lights, street trees, and undergrounding of utilities, along site frontage on public streets.
- g. The Applicant must underground all utilities along Mayor Lane between Silver Spring and Thayer Avenues.

4. Housing

- a. The proposed development must provide a minimum of 15 percent of the final number of all dwelling units as MPDUs, exclusive of Workforce Housing.
- b. Comply with the Workforce Housing provisions of the General Development Agreement (GDA) for Parking Lot #3, Silver Spring, MD, between Michael, LLC, and Montgomery

County, MD, executed on October 24, 2008, by providing 15 percent of the residential density attributable to County Land, per the equation included in the GDA.

- c. The Applicant must provide a minimum of 10 percent workforce housing for residential density attributable to the all portions of the site not included in the original July 25, 2006, Project Plan application, which are grandfathered as exempt, or addressed in the GDA for Parking Lot 3.

5. Sustainability

- a. The development as a whole must achieve at a minimum a Certified rating in the LEED-ND (Neighborhood Development) standard established by the US Green Building Council, provided such Certification is available. The final certification level and timing will be determined at Site Plan.
- b. Each building included in this Project Plan and subsequent Site Plans must achieve at a minimum a Certified rating in LEED-NC (New Construction), or other building-specific LEED rating system, established by the US Green Building Council.

6. Issues to be Addressed at Site Plan

- a. The design of the central open space must demonstrate a significant relationship and connection to the adjacent public streets.
- b. Staged interim alternative public parking accommodation for retailers on Fenton Street.
- c. Safety review of the project by a Montgomery County Police Department CPTED (Crime Prevention Through Environmental Design) Officer.
- d. A site phasing plan that minimizes negative impacts on the adjacent buildings and surrounding community.

APPENDICES

Appendix A: Staff and Agency Memoranda

Appendix B: Site Photos

Appendix C: Development Agreement for the Redevelopment of Parking Lot 3

Appendix D: Correspondence regarding the Kalivas Property

Appendix E: Correspondence regarding 8204 Fenton Street/Gerecht Property

Appendix F: Attendance list for April 17, 2009, meeting at M-NCPPC

Appendix G: Clarification from MCDOT regarding use of Public Parking Lot 3

Appendix H: Community correspondence in support of the project

Appendix I: Community correspondence in opposition to the project

Appendix J: Sample petition page and staff analysis

Appendix K: Base Density Calculation Matrix

Appendix L: Adjacent property owner legal argument regarding easements