



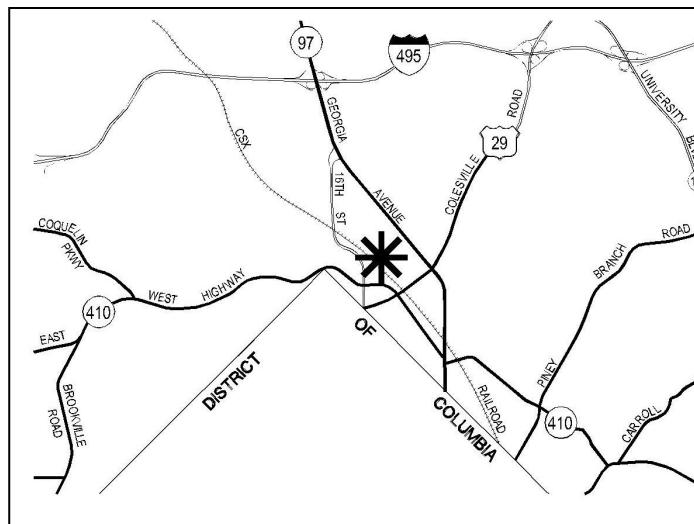
Fenwick Station, Site Plan, 820120080

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Date of Staff Report: 04/13/12

Description

- Removal of existing U.S. Post office and parking lot located at 8616 2nd Avenue for 76,342 square feet of residential development or 310 dwelling units, including 12.5% MPDU's
- Located at the corner of Spring St. and 2nd Avenue
- On 123,762 gross square feet (2.84 acres) of CDB-1 zoned land in the 2000 Silver Spring CBD Sector Plan area
- Applicant: EPN-SSPO, LLC
- Submitted on January 24, 2012



Summary

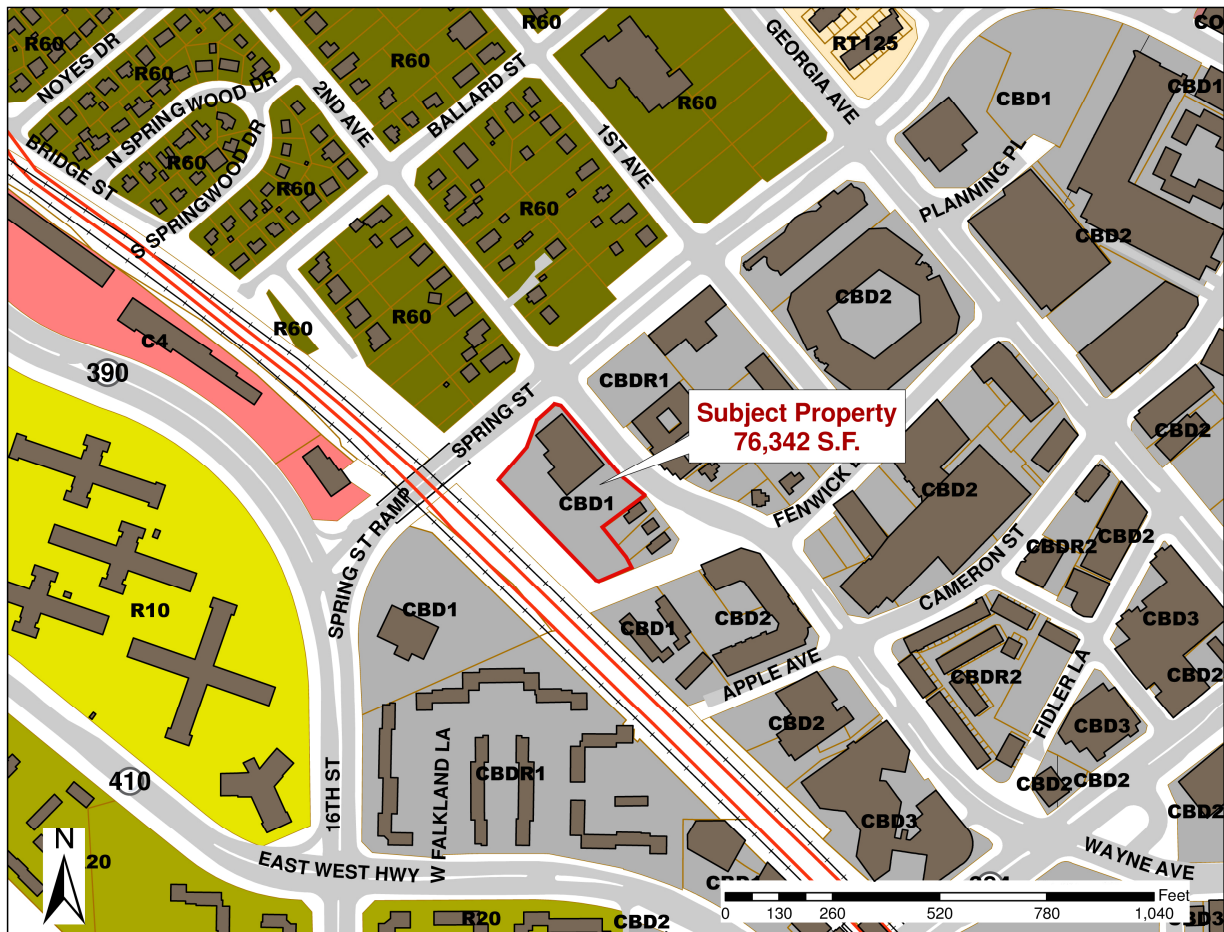
- Staff recommends approval of the Site Plan with conditions. The application proposes 310 dwelling units of the maximum 355 dwelling units allowed under the optional method of development and is providing underground parking.
- The development will provide a public amenity package that includes the following:
 - An off-street bicycle path along 2nd Avenue which will provide an extension of the Silver Spring Green Trail.
 - a public plaza at the corner of Spring Street and 2nd Avenue that will feature the following:
 - Art and water features
 - A bike share station
 - A pedestrian connection from the plaza to the Georgetown Branch Interim Trail (the future Capital Crescent Trail (CCT)).
 - Off-site improvements within the Third Avenue right-of-way to address existing flooding and maintenance issues. The improvements will also include a pedestrian path along the rear of the proposed building.

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SITE DESCRIPTION

Vicinity

The subject property is located at the corner of Spring Street and 2nd Avenue east of the CSX and metro rail right-of-way. The adjacent uses include the R60 zoned single family homes in the Woodside neighborhood to the north of Spring Street and the Easter Seals Adult Day Care center directly across 2nd Avenue. To the south on 2nd Avenue are three single-family houses that function as offices. To the east and south are multi-story office and residential buildings. The site is within walking distance of the Silver Spring Metro station. Nearby site plans were recently approved at 8711 Georgia Avenue and at Falklands North.



Vicinity Map

Site Analysis

The Fenwick Station site consists of parts of lots 3,4,5,6 & lots 10 and 11, Woodside Subdivision. The gross tract area is 123,762 square feet when prior right-of-way dedications are taken into account. The subject property is currently improved with a United States Post Office and a surface parking lot. There is a gentle 3% slope across the site from Second Avenue to the western property line where it begins to drop steeply at a 40% slope in the Third Avenue right of way. There is one significant tree (> 24 inches DBH), a 26" dbh Red Maple (*Acer rubrum*), and no specimen trees (> 30 inches DBH) located on the property. There are 7 significant trees (Black locusts, American Elms and Silver Maples) and one specimen tree, a 41" black locust, located adjacent to the property.

The site is currently served by public water and sewer. Most of the area not covered by building is



Aerial Photo

paved in asphalt, resulting in a site that is over 90% impervious. The property is within the Rock Creek watershed (Use I) with soils classified as Glenelg silt loam and urban land, which are not highly erodible and are adequate for the proposed use. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site, although the slopes greatly increase offsite within the 3rd Avenue right-of-way. There are no known historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

The site has a previous Project (#920110010) and Preliminary (#120110400) Plan approval. The mailing date of both resolutions is February 14, 2012.

Proposal

The proposed development would create a residential building of 6 stories and 60 feet in height. The only vehicular point of ingress/egress will be from Fenwick Lane at the southern end of the site, which provides access to the structured parking garage. The project proposes to install streetscape improvements on 2nd Avenue per the Silver Spring Streetscape Standards and will construct the eight foot wide Silver Spring Green Trail along the same frontage. A plaza at the intersection of Spring Street and 2nd Avenue will fulfill part of the public use space requirement for the project. There will be other planters around the perimeter of the building that will also function to filter stormwater runoff. The plaza will include the first bike share station in the Silver Spring CBD, seating and planters that will filter stormwater runoff. The 3rd Street right of way (owned by the County) will be improved by the applicant with stormwater



Illustrative Plan

control facilities, a public connection to the future Capital Crescent Trail and a temporary 5 foot wide trail connecting Fenwick Lane to the public plaza.

The proposed residential building will be a contemporary structure. The street will be activated with five first level units on Second Avenue that will have private entries directly onto the sidewalk in the fashion of townhouses. The remainder of the units will be accessed via interior double loaded corridors. There are two levels of underground parking to accommodate 326 parking spaces. Parking is accessed via an ingress/egress located at the end of Fenwick Lane, so that the curb cut can be limited to a location that will have the least impact on existing and future pedestrian circulation.



Perspective View from Spring Street looking south



Perspective View from Second Avenue looking north

The open space system includes a public plaza and a bike-share station at the intersection of Spring Street and Second Avenue, installation of an extension of the Silver Spring Green Trail along the Second Avenue frontage from Fenwick Lane to Spring Street, improvement of sidewalks on the Second Avenue frontage and the north side of Fenwick Lane, renovation of the



Perspective View from Second Avenue looking west

storm water facilities, and installation of a temporary 5' wide pedestrian path in the County-owned Third Avenue right of way. The Silver Spring Streetscape standards will be implemented along the Second Avenue frontage, including new street trees, street lights and pavers. Street trees will also be provided on the north side of Fenwick Lane along with the new sidewalk extending from Second Avenue to the 3rd Avenue right-of-way line. In addition to accent and foundation planting, the proposal incorporates bio-filtration planters around the building.

Artwork

The applicant has integrated artwork into the bike share station and public plaza, unifying the two into one piece. The artwork will evoke the history of the site by referencing the railroad station that once existed where Fenwick Lane abuts the railroad right of way. The art work will



Perspective View 1



Perspective View 2

suggest a railroad theme through the use of steel I-beams, reclaimed hardwood and displays embedded in resin panels. The bike share facility will be sheltered under a canopy or arbor constructed of steel I-beams and reclaimed wood while a vertical display panel, built of clear resin panels in a steel frame, will feature an image of the original train station. This vertical



Perspective View 3

display will be incorporated into a retaining/planter wall separating the public plaza from the public sidewalk. The plaza and bike station will include specialty paving, and a series of terraced planters will act as an attractive backdrop to the plaza. The plaza will include movable seating and a public drinking fountain.

PROJECT ANALYSIS

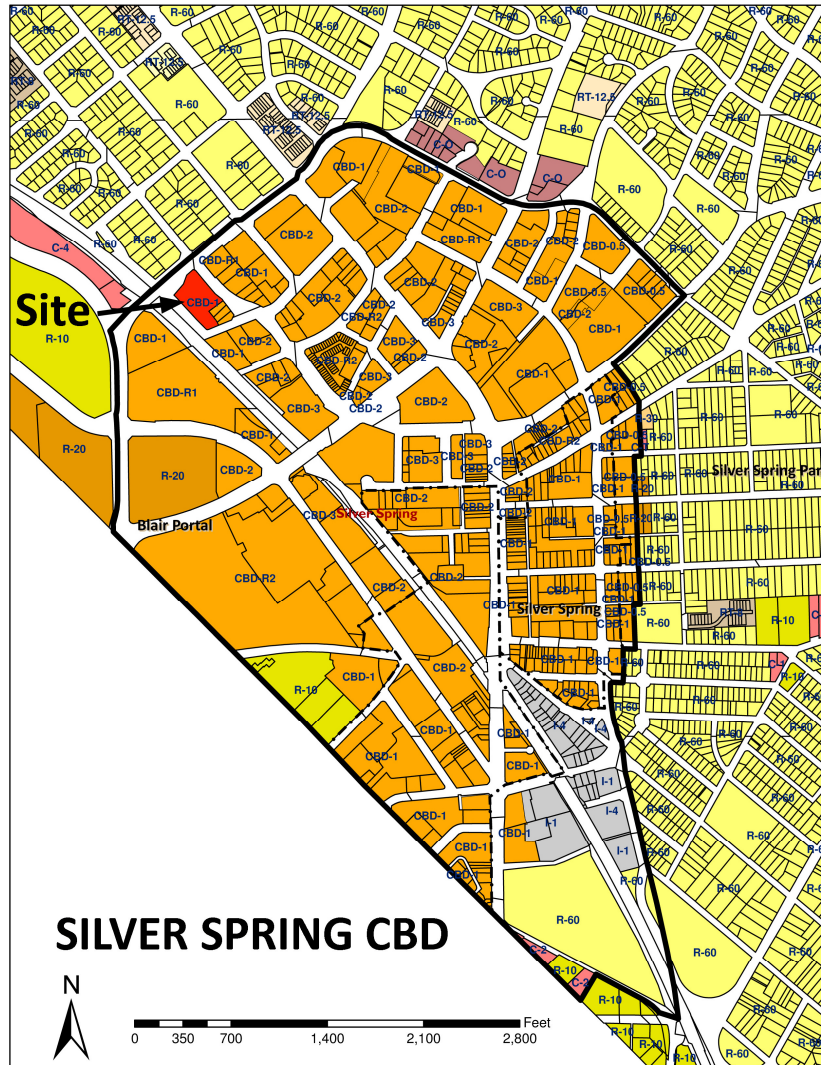
Master Plan

The subject site is located within the boundaries of the Approved and Adopted February 2000 Silver Spring CBD Sector Plan. The Sector Plan articulates six themes or goals for the CBD that serve to guide the evaluation of development proposals (page 14). These themes are:

- Transit oriented downtown
- Commercial downtown
- Residential downtown
- Civic downtown
- Green downtown
- Pedestrian-friendly downtown

The plan is consistent with the vision of the Master Plan, fulfilling 4 of the 6 themes:

1. Transit Oriented Downtown, Page 16 - The project is within walking distance of the future multi-modal Transit site and will provide future residents with excellent walking access to a variety of mass transit options. The bike share facility will also



Silver Spring CBD

provide the community and residents with a different form of transportation that will ultimately be linked to other sites within the CBD.

2. Residential Downtown, Page 19 - The project is primarily residential with 310 units.
3. Green Downtown, Page 22 – The plan provides tree lined streets and a landscaped plaza with a future bike station at the corner of Second Avenue and Spring Street as part of the on-site public use space.

4. Pedestrian-Friendly Downtown, Page 24 –The applicant will install the Silver Spring Streetscape Standard (The standard includes brick paving, street furnishings and street trees) on Second Avenue as well as extend the Green Trail along the frontage on Second Avenue (page 103).

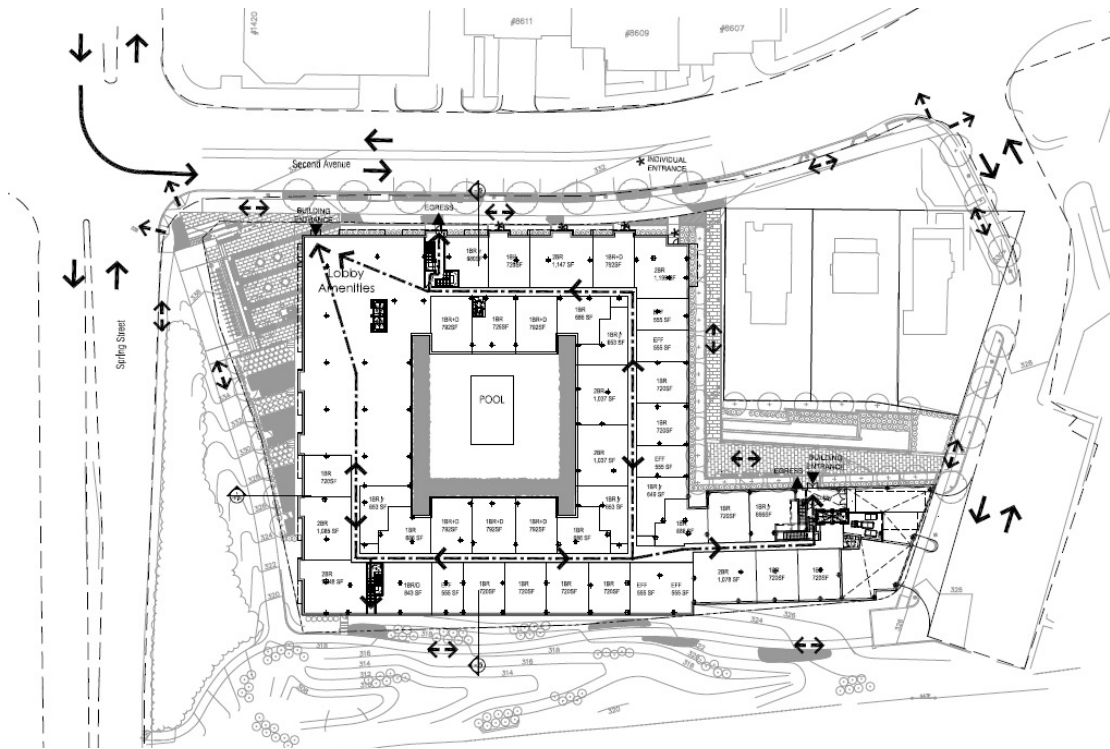
The Sector Plan states several urban design goals (page 73). The project satisfies the following:

- Conforms to the CBD-wide planning goals of the Sector Plan such as transportation, environmental resources and the standards of a revised Silver Spring Streetscape Plan that cover the entire core.
- Creates an attractive pedestrian environment by defining the street with buildings, open spaces and streetscaping at a human scale created by numerous doors and windows, architectural detail, and appropriately scaled building heights.
- Creates formal and informal civic spaces - building and open spaces - that add to property values, provide amenity, and improve downtown's aesthetic appearance.
- Contributes to the implementation of the Silver Spring Green Trail, a linear park intended to link downtown locations with the surrounding park and trail system, while creating a distinctive green path through the CBD.
- Incorporates the principles of crime prevention through environmental design by integrating visibility, pedestrian activity, and programming into the project layout.

Transportation and Circulation

The proposed development addresses these recommendations by satisfying the Montgomery County Department of Transportation (“MCDOT”) design requirements related to pedestrian safety improvements on Second Avenue, Fenwick Lane, and in the Spring Street and Third Avenue right of way, and by providing an 8 feet x 40 feet area on the site (as a public improvement easement) to accommodate a future bike-share station. A local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the preliminary plan review. To satisfy the PAMR requirements of the APF test, a development located within the Silver Spring/Takoma Park Policy Area is required to mitigate ten percent (10 percent) of new peak-hour trips generated by the development. A similar development outside the CBD would generate 127 peak-hour trips during the morning peak-period (i.e., 34 additional peak-hour trips) and 147 peak-hour trips during the evening peak-period (i.e., 54 additional peak-hour trips). Thus, as a result of being located within the Silver Spring CBD, the proposed development will generate many fewer peak-hour trips during the morning and evening peak periods (reduction of 26 percent and 36 percent, respectively). Since the peak-hour site trip reduction indicated above is more than the PAMR trip mitigation requirement for the Silver Spring CBD Policy Area, the preliminary plan satisfies the PAMR requirements of the APF test.

With respect to traffic circulation on and adjacent to the subject site, the streetscape on the Second Avenue frontage between Spring Street and Fenwick Lane will be improved with the 8' wide Silver Spring Green Trail and the sidewalks according to the Silver Spring Streetscape Standards. There will also be a pedestrian path within the Spring Street and Third Avenue rights-of-way to the north and south of the proposed building. Parking is provided on two levels under the building. It will be accessed at a single point at the end of Fenwick Lane.



Circulation Plan

Environment

Environmental staff recommends approval of the site and FCP with conditions (See conditions Section pg 17).

The site is located adjacent to the CSX and metro rail rights-of-way. Freight and passenger trains as well as metro trains produce a significant amount of noise as they pass by the site throughout the day. There is a need for the applicant to conduct a noise analysis and undertake appropriate mitigation measures as needed (see Conditions).

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The site is subject to the Montgomery County Forest Conservation Law. Natural Resources Inventory/Forest Stand Delineation (#420111330) was approved on March 8th, 2011. The NRI/FSD identified all environmental constraints and forest resources on and near the subject property.

The approved NRI/FSD identified 1 significant tree and no specimen trees onsite. There are 7 significant trees and 1 specimen tree adjacent to the site within the Spring Street right-of-way to the north and Third Avenue to the west of the property. The site is located within the Lower Rock Creek watershed, a Use 1 water quality designation.

Final Forest Conservation Plan

A Final Forest Conservation Plan (FCP) was submitted with the Preliminary Plan application on March 12, 2012. The FCP worksheet shows the total net tract area being 3.08 acres. This includes 1.33 acres of disturbance beyond the property boundaries where offsite improvements and utility connections will be made.

The project site has an afforestation requirement of 0.46 acres. The Applicant proposes to satisfy the afforestation requirement through a fee-in-lieu payment. The fee-in-lieu of afforestation is acceptable and consistent with Section 22A-12(g) of the County Forest Conservation Law. The site has no priority forest planting areas, and there are no other appropriate onsite areas for forest planting.

Adjacent to the property is right of way (“ROW”) for Third Avenue. Presently the Third Avenue ROW consists of an ephemeral channel with tree cover, eroding banks, an existing small channel with an intermittent water flow, and an understory dominated by invasive plant species. To the north and south the channel is piped in underground culverts. The banks are dominated by invasive species, debris, and young deciduous trees. Five significant trees dot the stream bank.

In the future, the eastern portion of Third Avenue will become part of the Capital Crescent Trail (CCT) network. In an effort to prepare for that transition, the Applicant proposes to clean-up the channel by removing all invasive species, grade the site for a temporary 5’ wide trail (until the CCT is constructed), fill in the open channel with rip-rap, and plant the banks with shrubs and herbaceous species.

Variance

The County Arborist for the Department of Environmental Protection recommends that the “applicant qualify for a variance conditioned upon mitigation for the loss of resources due to the removal or disturbance to trees, and other vegetation, subject to the law.” The tree variance for the removal of the 41”dbh black locust was approved by the Planning Board with the review of the Preliminary Plan of Subdivision. This application, including all findings for the variance is consistent with the previous approval.

Development Standards

The subject site is zoned CBD-1. The purpose of the CBD-1 Zone is to encourage development in accordance with the approved and adopted Silver Spring CBD Sector Plan and to promote orderly development on the fringes of the CBD that will be compatible with adjacent land uses outside of the CBD. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the CBD-1 Zone

| Development Standard | Permitted/ Required | Approved per Project and Preliminary Plan | Proposed for Site Plan Approval |
|----------------------------------|--------------------------------|--|--|
| Building Height (feet) | 60 | 60 | 60 |
| Setbacks (feet) | | | |
| Front (Second Ave) | 0 ft. | 0 | 0 |
| Side (Spring) | 0 ft. | 0 | 0 |
| Side (Fenwick) | 0 ft. | 0 | 0 |
| Rear (SW side, Third Ave ROW) | 0 ft. | 0 | 0 |
| Site Area (square feet) | | | |
| Gross Tract Area | 18,000 sq ft | 123,762 sq ft (2.84 acres) | 123,762 sq ft (2.84 acres) |
| Prior dedication | n/a | 47,420 sq ft (1.09 acres) | 47,420 sq ft (1.09 acres) |
| New dedication | n/a | -0- | 0 |
| Existing Lot Area | n/a | 76,342 sq ft (1.75 acres) | 76,342 sq ft (1.75 acres) |
| Density | | | |
| Dwelling Units per Acre | 125 | 109 | 109 |
| Studio Unit | n/a | 19 | 29 |

| | | | |
|--|------------|------------|------------|
| Studio Unit – MPDU | n/a | 3 | 4 |
| One Bedroom | n/a | 181 | 172 |
| One Bedroom MPDU | n/a | 26 | 25 |
| Two Bedroom | n/a | 52 | 70 |
| Two Bedroom MPDU | n/a | 7 | 10 |
| Three Bedroom | n/a | 19 | n/a |
| Three Bedroom - MPDU | n/a | 3 | n/a |
| Total Dwelling Units | n/a | 310 | 310 |
| Public Use Space (% of net lot) | | | |
| On-Site Public Use Space | 20 percent | 20 percent | 23 percent |
| Off-Site Amenity Space | n/a | 43 percent | 43 percent |
| Total Public Use & Amenity Space | n/a | 63 percent | 63 percent |
| Parking | | | |
| Parking Spaces | | | |
| Studio Unit – 1sp/du | | 19 | 29 |
| Studio Unit – MPDU – 0.5 sp/du | | 1.5 | 2 |
| One Bedroom – 1.25 sp/du | | 226.25 | 215 |
| One Bedroom MPDU– 1.25 sp/du | | 16.25 | 15.63 |
| Two Bedroom - 1.5 sp/du | | 78 | 105 |
| Two Bedroom – MPDU - 1.5 sp/du | | 5.25 | 7.5 |
| Three Bedroom – 2 sp/du | | 38 | n/a |
| Three Bedroom – MPDU- 1 | | 3 | n/a |

| | | | |
|---|------------|------------|------------|
| sp/du | | | |
| Sub-Total Spaces | | 388 | 374 |
| Less 15% parking credit | | 58 | 58 |
| <i>Plus additional spaces provided by applicant</i> | | <i>n/a</i> | <i>11</i> |
| Total per Project and Preliminary Plan | 331 | 331 | n/a |
| Total per Site Plan | 319 | n/a | 327 |

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

FINDINGS

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The site plan is consistent with the approved Project Plan 920110010 in every respect, including scope and design.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses are allowed in the CBD-1 Zone, and the site plan fulfills the purposes of the zone by providing residential development compatible with adjacent residential and commercial uses in the Silver Spring Central Business District.

As the project data table on page 12 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is within the standards allowed. With respect to public space and amenities, the proposed development provides a total of 23 percent of the net lot area, allowing for a greater amount of permeable surface in the form of storm water recharge planters in the public open spaces.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The building is located on the site to create a consistent street wall on 2nd Avenue and frame the proposed public plaza and bike share station (at the corner of 2nd Avenue and Spring Street). The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided will act as a gathering place for pedestrians walking on Spring Street and 2nd Avenue as well as a rest stop for bicyclists using the Silver Spring Green Trail and the future Capital Crescent Trail. Landscaped planters in the plaza will provide bioretention for stormwater run-off. Traditional foundation plantings on the sides of the building facing 2nd Avenue and Fenwick Lane will double as bio-retention plantings using evergreen shrubs and native ferns and groundcovers. Street trees, site furnishings and lighting per the Silver Spring Streetscape Standards will enhance the pedestrian environment. The Applicant is providing various on-site recreational opportunities for a range of age groups and satisfies the Recreation Guidelines for residential development. Off-site credit is taken for existing facilities in Woodside Park. The site plan provides a range of open spaces, including landscaped terraces, a public plaza, and an off-site restored stormwater area with a pedestrian path. Street trees, streetscape paving, and lighting enhance the pedestrian environment. Lighting in the public plaza will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. These spaces provide a diversity of recreational opportunities on site. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The Applicant has proposed paving an existing foot path that runs under the Spring Street bridge and up along the Spring Street right of way to the corner of Spring Street and 2nd Avenue. The applicant has also proposed constructing a temporary 5' wide path in the 3rd Street right of way that runs between the Spring Street bridge and Fenwick Lane. These paths will be much safer and easier to access than the existing informal dirt foot paths. The vehicular circulation design efficiently directs traffic into the proposed parking garage at an entrance on Fenwick Lane, with minimal impacts to pedestrian circulation. The design also accommodates loading adjacent to the parking garage entrance. This location keeps loading activities on a street that has low pedestrian activity, minimizing potential conflicts between vehicles and pedestrian. As designed, the paved area for both pedestrians and vehicles reduces imperviousness on site from the existing conditions and eliminates two existing curb

cuts on 2nd Avenue that are pedestrian/vehicle conflict points. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed residential development is compatible with the adjacent and confronting uses. The multi-family residential use reflects the land use pattern along 2nd Avenue in this part of the Silver Spring CBD, and creates a transition with the one-family uses to the north.

The architecture is in scale with the office town houses across the street, and the individual entrances planned for Second Avenue create a single-family scale in keeping with the residential character to the north.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The project is subject to the requirements of the forest conservation law. As conditioned, the proposal satisfies the requirements through an off-site fee-in-lieu. The Planning Board approved the Forest Conservation variance for the removal of the off-site 41" dbh black locust in the Spring Street right-of-way, pursuant to Section 22A-21 of the County Forest Conservation Law with the Preliminary Plan application.

The County Arborist recommended mitigation for the loss of the 41" dbh black locust.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820120080, Fenwick Station, on 2.84 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on April 13, 2012 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan 920110010 as listed in the Planning Board resolution dated February 14, 2012.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120110400 as listed in the Planning Board Resolution dated February 14, 2012 unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

Environment

3. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved preliminary forest conservation plan or tree save plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

- a. An approved Final Forest Conservation Plan (FFCP). which addresses the conditions of approval must be obtained prior to any clearing, grading or demolition within the project area.
- b. Coordinate tree protection measures within the right-of-way along Spring Street with MCDOT at the time of right-of-way permit.
- c. The fee-in-lieu payment or certificate of compliance which satisfies the 0.46 acre afforestation requirements must be submitted by the Applicant and be approved by M-NCPPC staff prior to land disturbing activities occurring onsite.
- d. The proposed development shall comply with the conditions of the Final Forest Conservation Plan (FFCP).
- e. Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- f. The Developer includes and signs the Developer's Certificate on all plan sheets in non-black ink.

4. Noise Attenuation

- a. Prior to approval of the certified site plan, the applicant must provide details to be approved by M-NCPPC Staff for the location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity.
- b. An engineer specializing in acoustics must certify that the building shell has been designed to attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to building permit. The builder commits to construct the units in accord with these design specifications. Any changes in the design that may affect acoustical performance must be approved in advance by an engineer specializing in acoustics. A copy of the written approval must be provided to M-NCPPC staff.

- c. The builder shall provide a signed, notarized commitment to construct the dwelling units in accord with the acoustical design specifications contained in the building shell analysis (attached). Any changes to the building shell construction that may negatively affect acoustical performance shall be approved in writing by the engineer specializing in acoustics and provide acoustical attenuation for the affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to M-NCPPC staff.

5. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated July 6, 2011 unless amended and approved by the Montgomery County Department of Permitting Services [attachment X].

6. LEED Certification
The Applicant must achieve a LEED-certified rating certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before issuance of any use and occupancy certificate, the Applicant must inform MNCPPC staff of the LEED certification level that they are applying for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Public Space and Amenities

7. Public Use Space and Amenities
 - a. The Applicant must provide a minimum of 23% of the net lot area for on-site public use space and a minimum of 43% of the net lot area for on and off-site public amenity space.
 - b. The proposed public use space and amenities must be easily and readily accessible to the general public and available for public enjoyment.
 - c. The Applicant must provide the following site features as a public amenity:
 - i. A public drinking fountain in the plaza;
 - ii. One art panel within the plaza area, and, if appropriate up to two additional art panels emphasizing the Silver Spring community and historical context of the site and surrounding area;
 - iii. Provide an additional opening into the public plaza by shortening the length of the low wall or by providing steps that separates the public plaza from the public sidewalk on Second Avenue.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities, except as assumed by another entity.

9. Public Improvement Easement

Record plat of subdivision shall reference the Public Improvement Easement (PIE) for the path and bike share facility. The Applicant shall provide verification to M-NCPPC staff prior to issuance of the final use and occupancy of the building.

Transportation and Circulation

10. Transportation Agreement

- a. The Applicant must enter into a Traffic Mitigation Agreement (“Agreement”) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.
- b. The Applicant, as part of the above Agreement or separately, must grant a Public Improvement Easement on the property for MCDOT to install a future bike-share station at the location shown on the Site Plan.

Density & Housing

11. Affordable Housing

- a. The proposed development must provide 12.5 percent MPDUs.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits, excluding any sheeting and shoring permits required for the structured garage.

Site Plan

12. Site Design

The exterior architectural character, proportion, materials, and articulation for each building must be substantially similar to the schematic elevations shown in the Certified Site Plan set, as determined by M-NCPPC Area One Division staff.

13. Landscaping

- a. Provide all landscape structures, including walls, fences, railings, paving, etc. per sheets L1.0-L3.1.
- b. Provide all trees, shrubs and groundcovers in accordance with approved landscape drawings, sheets L4.0-L4.1.
- c. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the Silver Spring Streetscape standards.

14. Lighting

- d. The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Society of North America (IESNA) standards for residential/commercial development.
- e. All onsite down light fixtures must be full cut-off fixtures.
- f. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- g. Lighting location and type in the Third Street right of way must be specified prior to completion of the certified site plan and meet the standards iterated above, as acceptable to MCDOT.

15. Public Art

- h. Provide for and install the public art concept for an art panel(s) in the public plaza, as presented to the Planning Department's Art Review Panel on April 10, 2012, and illustrated in the Certified Site Plan.
- i. Any significant changes to the concept presented on April 10, 2012, must be presented to the Art Review Panel and approved by Area 1 staff prior to approval of the Certified Site Plan.

16. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, exclusive of the sheeting and shoring permit for the structured parking, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

17. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the

Certified Site Plan. The development program must include the following items in its phasing schedule:

- j. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities, art panels and bike share facility must be installed prior to final use and occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. Community-wide pedestrian pathways, including the temporary 10' wide connection between public plaza on Spring Street and Third Avenue right of way and the 5' wide path in the Third Avenue right of way, must be completed prior to issuance of the final use and occupancy permit.

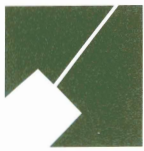
18. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Execute Public Improvement Easement (PIE) agreement with MCDOT for proposed bike share facility. Provide a copy of the agreements for the file and include relevant notes on the Certified Site Plan.
- f. Include facilities proposed in the recreation calculations for compliance with the Montgomery County Recreation Guidelines.

APPENDICES

- A. Preliminary Plan Resolution
- B. Agency Letters



FEB 14 2012

MCPB No. 11-106
Preliminary Plan No. 120110400
Fenwick Station
Date of Hearing: October 13, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 13, 2011, EPN-SSPO, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 2.84 gross acres of land in the CBD-1 zone, located at the intersection of Second Avenue and Spring Street in the Silver Spring Central Business District ("Property" or "Subject Property"), in the Approved and Adopted 2000 Silver Spring Central Business District (CBD) Sector Plan ("Master Plan" or "Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110400, Fenwick Station ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 3, 2011, setting forth its analysis and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 13, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 13, 2011, the Planning Board approved the Application subject to certain conditions on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to
 Legal Sufficiency:

Chris [Signature] 1/26/12

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120110400 to create 1 lot on the Property, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for 310 dwelling units, including 12.5 percent moderately priced dwelling units (MPDUs).
2. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or the Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
3. At site plan, the following items must be submitted for review and approval:
 - a. Final forest conservation plan must include a transportation noise impact study. Specific noise mitigation measures for private, outdoor use areas to be determined at site plan.
4. Prior to issuance of building permits for affected units, the following must be provided to Staff:
 - a. Certification from an acoustical engineer that the building shell is designed to attenuate projected interior noise levels to a level at or below 45 dBA, Ldn using projected 2021 traffic noise levels.
 - b. The builder shall provide a signed, notarized commitment to construct the dwelling units in accord with the acoustical design specifications contained in the building shell analysis. Any changes to the building shell construction that may negatively affect acoustical performance shall be approved in writing by the acoustical engineer to provide acoustical attenuation for affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to Staff.
5. To meet the forest conservation afforestation requirements, the Applicant will make a fee-in-lieu payment to meet the afforestation requirement of 0.46 acres.
6. The Applicant must finalize details on site frontage improvements along Second Avenue (including the Silver Spring Green Trail), site frontage improvements along Fenwick Lane, improvements along Spring Street's frontage, and the proposed interim trail connection to the future Capital Crescent Trail (CCT) from Spring Street/Second Avenue, at least 30 days prior to any Planning Board hearing on the site plan for the development.
7. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the Silver Spring Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.
8. The Applicant must grant an easement on the property to MCDOT to install a future bike-share station at the location shown on the Preliminary Plan. The location and the easement agreement with MCDOT for the proposed bike-share

station must be approved by MCDOT at least 30 days prior to any Planning Board hearing on the site plan for the development.

9. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
10. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated July 6, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Applicant must comply with the conditions of the MCDOT letter dated 9/30/2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
13. No clearing, grading or recording of plats prior to certified site plan approval.
14. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
15. The record plat must show necessary easements.
16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property lies within the boundaries of the 2000 *Silver Spring CBD Sector Plan*. The site is located in an area of the CBD designated as "[o]ther [a]reas of the CBD". The Master Plan recommends reconfirming the existing CBD-1 zone. Since residential development is allowed in the CBD-1 zone, the Preliminary Plan conforms to the land use and zoning recommended by the Master Plan.

The Master Plan states certain themes that articulate the shared goals and vision for the CBD, including a transit-oriented downtown, a residential downtown, a green downtown, and a pedestrian-friendly downtown. The Preliminary Plan is consistent with the Master Plan's themes because the Application is within walking distance of the future multi-modal transit site and will provide future residents with excellent walking access to a variety of mass transit options. The connection to the Capital Crescent trail and Silver Spring Green Trail, along with bike-share options, further encourage the use of other modes of transportation. The Application is completely residential with 310 units. The Application provides tree-lined streets and a landscaped plaza with a future bike-share station at the corner of Second Avenue and Spring Street as part of the on-site public use space. Finally, the Applicant will provide the Silver Spring Streetscape (including brick paving, street furnishings, and street trees) along Second Avenue and extend the Silver Spring Green Trail along Second Avenue. The improved streetscape encourages pedestrian activation from neighboring residential communities to downtown Silver Spring.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Public facilities are adequate to accommodate the Application. Vehicular and pedestrian access will be safe and adequate with the proposed improvements. Sidewalks will be reconstructed along Second Avenue and Fenwick Lane to facilitate pedestrian mobility.

The Application satisfies the LATR and PAMR requirements. A summary of the capacity/critical lane volume (CLV) analysis for the weekday morning and evening peak-hours is presented in the Staff Report. Under total (build) traffic conditions, CLV values for intersections included in the study were estimated to be below the Silver Spring CBD congestion standards: 1,600 and 1,800 CLV, respectively. Based on the analysis presented in the traffic study, it is concluded that the Application will satisfy the LATR requirements of the APF test.

The Property is located within the Silver Spring/Takoma Park Policy Area. To satisfy the PAMR requirements of the APF test, a development located within the Silver Spring/Takoma Park Policy Area is required to mitigate ten percent of new peak-hour trips generated by the development. However, a similar development outside the CBD would generate 127 peak-hour trips during the morning peak-period (i.e., 34 additional peak-hour trips) and 147 peak-hour trips during the evening peak-period (i.e., 54 additional peak-hour trips). Thus, as a result of being located within the Silver Spring CBD, the Application will generate much fewer peak-hour trips during the morning and evening peak periods (reduction of

26 percent and 36 percent, respectively). Since the peak-hour site trip reduction as noted above is more than the PAMR trip mitigation requirement for the Silver Spring CBD Policy Area, the Preliminary Plan satisfies the PAMR requirements of the APF test.

The Subject Property will be served by public water and sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Application meets all applicable sections of the Montgomery County Code, Chapter 50, of the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, because it accommodates a single multifamily residential building of appropriate scale in the CBD-1 Zone.

The Preliminary Plan does not show standard truncation at the intersection of Spring Street and Second Avenue. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, the corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. The Planning Board, however, may specify a greater or lesser truncation than would otherwise be required.

The Applicant requested permission for a corner lot with ten feet of truncation rather than the standard 25 feet. The justification for this request is that the sight distance will be adequate; safety and compatibility of the area will not be compromised; and a standard truncation would detract from the pedestrian environment and architectural presence of the building.

The Board approved the non-standard truncation as shown on the Preliminary Plan. The traffic channelization of the area will not be affected by the non-standard truncation. By providing less than 25 feet of truncation at the intersection, the Application can provide the pedestrian plaza, which will contribute to meeting the Master Plan objectives of street activation. Therefore, the reduced truncation is appropriate.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The Application will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

The development is subject to the Montgomery County Forest Conservation Law. A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420111330 for the site was approved on March 8, 2011. The NRI/FSD identifies any environmental constraints and forest resources on and near the Subject Property.

The approved NRI/FSD shows no streams or associated environmental buffers, wetlands, forests or floodplains on the Subject Property. As a result, the environmental guidelines are not applicable to this Application. There is one significant tree but no specimen trees on site. There are two significant trees and one specimen tree in the Spring Street right-of-way that is adjacent to the Subject Property and within the proposed limits of disturbance. There are five significant trees along the wooded swale on what is Third Avenue, a paper street.

Forest Conservation

A preliminary forest conservation plan was submitted with the Preliminary Plan. The preliminary forest conservation plan worksheet shows the limit-of-disturbance area to be 3.08 acres. This includes 1.33 acres of disturbance beyond the Subject Property boundaries where offsite improvements and utility connections will be made, most of which are in the public right-of-way.

The Application has an afforestation requirement of 0.46 acres. The Applicant will satisfy the afforestation requirement through a fee-in-lieu payment, which the Board finds acceptable and consistent with Section 22A-12(g) of the County Forest Conservation Law. The Subject Property has no priority forest planting areas, and there are no other appropriate on-site areas for forest planting.

The Property is adjacent to the Third Avenue right-of-way, a paper right-of-way separating the subject site from the adjacent metrorail tracks. Even though not considered a stream, the Third Avenue right-of-way consists of an open channel with tree cover, eroding banks and an existing small channel with some intermittent water flow. Above and below the Third Avenue right-of-way the

channel is enclosed in culverts. The channel banks include invasive species, debris, young deciduous trees, and five significant trees.

In the future, the eastern portion of Third Avenue will become part of the CCT. In an effort to prepare for that transition, the Applicant proposes to clean-up the channel by removing all invasive species, grade the site for a temporary five foot wide trail (until the CCT is constructed), and fill in the open channel with rip-rap. While the Board understands the new channel is temporary and addresses runoff and erosion, the Board requests that the Applicant continue coordinating with MCDOT on the final design of the channel to incorporate a softer channel that is more visually appealing.

Tree Variance

Section 5-1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection (Protected Trees). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone, requires a variance under Section 22-A-12(b)(3) of the County Code. Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal of one black locust tree along Spring Street as identified on the NRI/FSD. In accordance with Section 22-A-21(a) of the County Code, the Applicant has requested a variance and alleged that it would suffer unwarranted hardship without a variance to remove the Protected Tree; that without a variance, Applicant would be denied reasonable and significant use of the Subject Property for which the variance is requested.

The Applicant has met all criteria required to grant the variance to remove the Protected Tree. It is within the Spring Street right-of-way, and the critical root zone will be impacted by the proposed construction activities as well as future work within the right of way proposed by MCDOT.

a) *The variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege as the disturbance of the Protected Tree is necessary in order to grade the site for the proposed bike share location. The tree is in poor condition and within the Spring Street right of way. Trees within the right of way are typically not protected from future street maintenance or reconstruction.

- b) The variance is not based on conditions or circumstances which are the result of action by the Applicant.*

The requested variance is based on the proposed bike sharing station consisting of bike racks and an ADA-accessible concrete or asphalt path approximately 82 feet in length. The proposed bike-share station and path connection is located at this intersection (Spring Street and Second Avenue) due to its close proximity with the Silver Spring metro station and the future CCT. The bike sharing station will likely increase bike usage by making bicycles more readily available, and thus supports alternative modes of transportation.

- c) The variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

- d) The variance will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Tree is not within a stream buffer or wetland.

MCDPS has approved a stormwater management concept dated July 6, 2011. The approved concept will consist of Environmental Site Design in accordance with the latest revisions to the MDE Stormwater Design Manual. In addition, there are no impacts to environmental buffers. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Noise

The Subject Property is adjacent to Spring Street, a moderately busy arterial road. Moreover, to the west of Third Avenue will be the future Purple Line. Due to the existing and proposed transportation facilities near the subject site, noise impacts may occur in dwelling units that have windows facing the transportation facilities or in common open space that will be used by the residents. The "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (Environmental Planning Division, June 1983), also known as the "staff noise guidelines", establish criteria to define transportation noise impacts for sensitive uses and provide recommendations for mitigation of such impacts.

A noise and acoustic analysis of the impacts to the Subject Property should be submitted as part of the site plan application to determine the projected transportation noise levels requiring mitigation. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, including any type of visually-pleasing, compatible, noise mitigation structure that would visually and audibly screen the public use areas.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept on July 6, 2011. The stormwater management concept consists of environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 14 2012 (which is the date that this Resolution is mailed to all parties of record); and

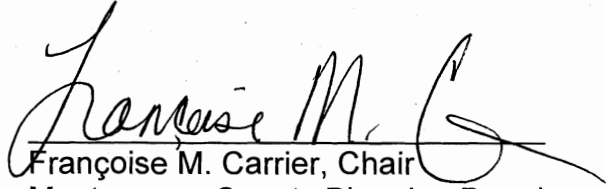
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by

Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

Marcolin, John

From: Leck, Gregory <Greg.Leck@montgomerycountymd.gov>
Sent: Thursday, April 12, 2012 8:56 AM
To: Marcolin, John
Cc: Ed Novak; Sarah Davidson; Harris, Robert R.; Ruhlen, Christopher M.; Amy X. Quant, PE; Krasnow, Rose; Kronenberg, Robert; LaBaw, Marie; Brush, Rick; Kuykendall, David; Panjshiri, Atiq; Farhadi, Sam; McCauley, Gerald; Elder, Rob; Souders, Jeremy; Bossi, Andrew
Subject: Fenwick Station (120110400/820120080) - MCDOT response to applicant's request to amend our 9/30/11 preliminary plan review comments ltr
Importance: High

Hi John,

We have reviewed the applicants' request for modifications and corrections to our 9/30/11 letter on the preliminary plan – for your use on the pending site plan. This email is in lieu of a formal letter.

We have reviewed the applicants' suggested revisions and offer the following comments (on the numbered items in our original review letter):

Comment no. 4: The applicant indicates only 1 metered parking space is being relocated on Fenwick Lane; we accept their conclusion.

Comment no. 5: We recommend all references to the Silver Spring Green be ignored letter; instead the facility along the western side of Second Avenue between Fenwick Lane and Spring Street should be labelled as "shared use path." The applicants have suggested an off-site extension of the sidewalk on the west side of Fenwick Lane is not needed [since the pavement section will no longer be widened]; we accept their conclusion.

Comment no. 18: The applicants recommended changing this condition from "permit and bond" to "bond" [only]; we do not understand the rationale for this change. The permit will be issued by DPS once the plans have been approved and bond posted. They need to be completed prior to approval of the record plat.

Comment no. 18 B: The applicants recommended amending the language to reflect a 28' wide pavement section (instead of the previously proposed 36' wide pavement section). We have consulted with the applicants and agree to this change; as noted above, off-site sidewalk relocation should not be necessary with this change. The applicants have also requested deletion of the term "Fire Department-compliant turnaround" – we still think the terminus of Fenwick Lane needs to be improved to facilitate public turnarounds within the available right-of-way; this design detail can be confirmed at the permit stage.

Comment no. 18D: The applicants have proposed constructing an 81' long permanent section of the Capital Crescent Trail (starting at Second Avenue) to the ultimate width and grade; we accept this change. They have also proposed the balance of that path (down to the path in the Third Avenue right-of-way) be a temporary profile; we accept this proposal so long as it is built 10' wide and the proposed path within the Third Avenue right-of-way (between Spring Street and the sidewalk on Fenwick Lane) provide an Americans with Disabilities Act-compatible alternative route (to the shared use path at the Second

Avenue/Fenwick Lane intersection). We agree the width of their temporary connection (to the natural surface path under the Spring Street bridge) can be reduced from 10' to 5'.

New proposed 18G: The applicants have recommended a new item – “The Department of Transportation accepts the Stormwater Management Tree Pits that the Applicant has shown along Second Avenue.” We accept this language subject to approval by DPS Water Resources and Right-of-Way Permitting Sections.

Please contact me if you have any questions or comments regarding this reply.

Thank you for your cooperation and assistance.

Greg

*Greg Leck, Manager
Development Review Team
Division of Traffic Engineering and Operations
Montgomery County Department of Transportation*

*100 Edison Park Drive, 4th floor
Gaithersburg, Maryland 20878*

greg.leck@montgomerycountymd.gov

office: 240-777-2197

fax: 240-777-2080



FIRE MARSHAL COMMENTS

DATE: 09-Mar-12
TO: Amy Quant
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Fenwick Station
920110010 120110400 820120080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 09-Mar-14. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.