



Silver Spring Library Residential, Project Plan 920130040, Site Plan 820130100



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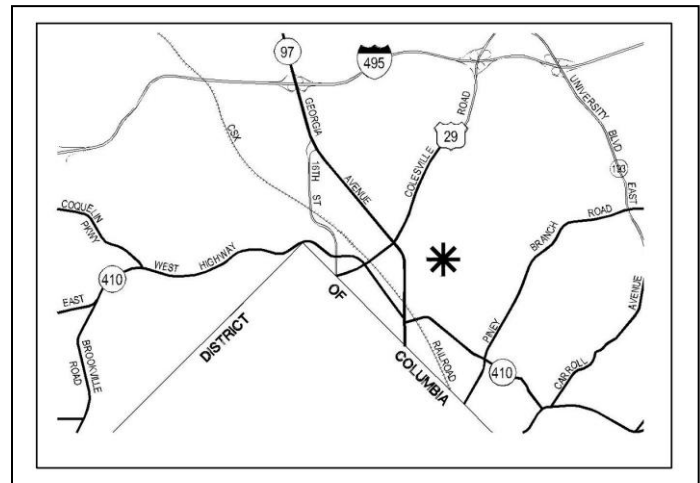


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Completed: 4/8/13

Description

- Location: Southwest quadrant of the intersection of Bonifant Street and Fenton Street
- Zone: CBD-1, Fenton Village Overlay
- Master Plan: Silver Spring CBD Sector Plan
- Tract Size: 87,822 square feet
- Request: 155 residential dwelling units in 151,000 sf residential and 9,000 sf retail
- Applicant: Silver Spring Library Residences LP
- Planning Board: April 18, 2013
- Filing Date: January 18, 2013



Summary

- The Staff recommends **approval** of Project Plan and Site Plan with conditions.
- The proposed building will be located on County-owned land directly adjacent to the future Silver Spring Regional Library and Purple Line.
- The application presented is for 155 multi-family units, including 12.5% MPDUs and 16 Workforce Housing Units earmarking the project as “green tape” since it is providing more than 20% of the units as affordable. Staff is conditioning that 32 Workforce Housing Units must be provided for the applicant to achieve the desired 100 foot building height.
- Neighbors have expressed concerns regarding the building design and height, visibility of rooftop amenities and circulation within the alley.
- A waiver of the parking requirement has been submitted with the application.

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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property, which is 1.45 acres and contains the future Silver Spring Library and proposed residential project that is analyzed in this report, is located between Wayne Avenue and Bonifant Street along Fenton Street in the Silver Spring Central Business District (“Subject Property” or “Site”). The Residential Project is located along the southwestern portion of the Site, on a proposed ownership lot per Section 50-35A(a)(4) of the Subdivision Regulations, identified as ownership lot 32A, (“Ownership Lot”). The proposed Ownership Lot is located along Bonifant Street and is currently vacant. The future Purple Line Station will cut diagonally across the Subject Property, and the future Silver Spring Public Library will span over the tracks. The Site is convenient to the Silver Spring Metro Station and Transit Center, as well as the central retail district of Downtown Silver Spring located across Wayne Avenue to the north.

The Site is zoned CBD-1 within the Fenton Village Overlay Zone. To the north across Wayne Avenue is the 11-story mixed use building containing the Marriott Courtyard hotel with ground floor retail. Whole Foods supermarket is within close proximity, located at the northeast quadrant of the intersection of Wayne Avenue and Fenton Street. Southeast of the site is the six-story (60 feet) Lofts 24 residential building. To the northeast is First Baptist Church of Silver Spring which is slated for redevelopment per Site Plan No. 820130050, Fenton Street, for a mixed-use development of 260,921 square feet including 259 multi-family dwelling units, 18,650 square feet of retail, and 29,228 square feet of institutional use. To the southwest along Bonifant Street are commercial uses within one and two story buildings in the CBD-1/Fenton Village Overlay Zone. An existing 14-story (143 feet) high-rise residential development known as the Crescent Condominium is located along the northwest boundary of the Site and is zoned CBD-2, which is outside the boundary of the Overlay Zone.

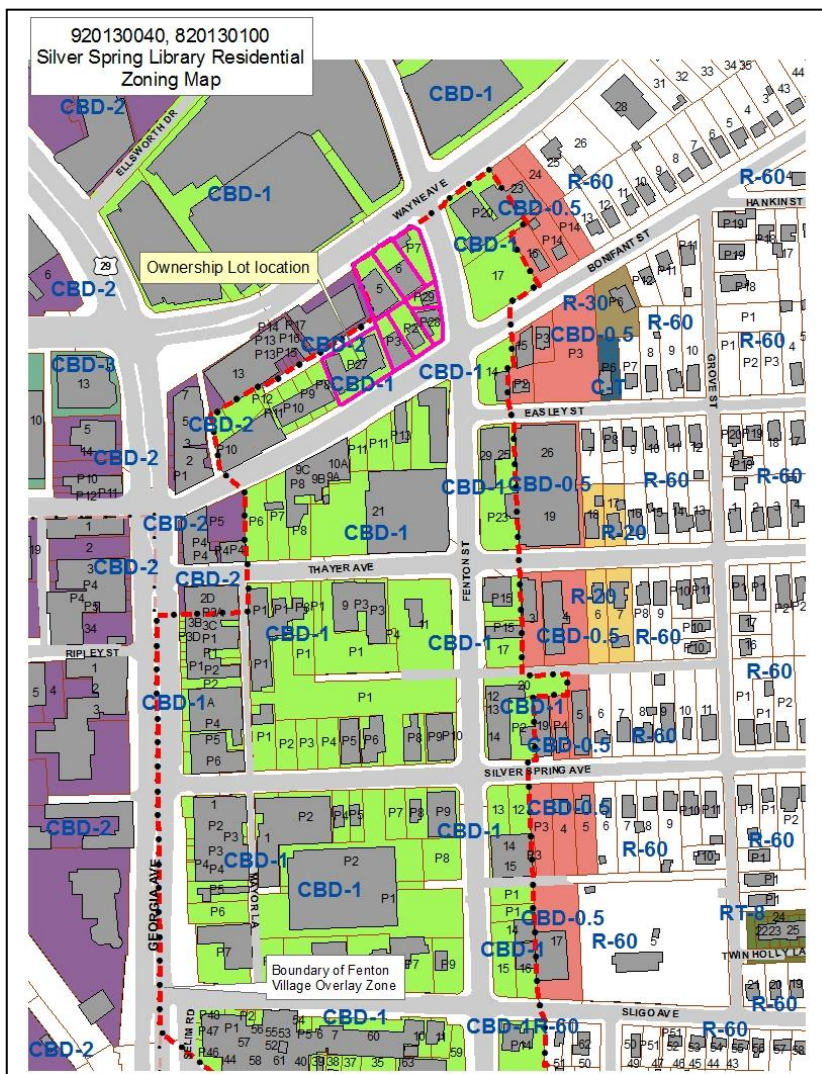


Figure 1: Vicinity Map

Site Analysis

The Silver Spring Library Residential building will be located on ownership lot 32A to be identified on a plat recorded by minor subdivision. This plat is being processed concurrently with the application, and the plat will consolidate lots 5 and 6 with part of lot 7, part of lot 28, part of lot 29, part of lot 2, and part of lot 3. The previous plat had a building restriction line that the Library and residential building will violate, however, with approval of the minor subdivision Plat by the Planning Board, a new building restriction line will be established. The total land area within the newly consolidated lot will be 63,043 square feet (1.45 acres) and the Ownership Lot will be 20,912 square feet in size. The proposed Ownership Lot is essentially a ground lease from the county to facilitate a joint venture between Montgomery Housing Partnership and Donohoe to develop an affordable housing project.

The Ownership Lot is currently vacant since clearing and grading work began in 2010. The Subject Property is in preliminary construction stages for the construction future Library. There are no streams, wetlands, floodplain, or other environmentally-sensitive features located on the property, including forest or significant specimen trees.

Site Context

The joint development of the Library and residential project was considered an important addition to the Silver Spring CBD that provides active civic uses anticipated by the Sector Plan. The Library is located over 40 feet away from the 143 feet high-rise residential building known as the Crescent Condominium. The building steps down from 120 feet to 70 feet along Fenton Street.

Entrances to the Library are located on Wayne Avenue and Fenton Street. Book drop-off and service areas are located behind the Library from the service alley. Parking for the Library will be located in the existing public parking garage located across Wayne Avenue. The Library is designed around a future Purple Line Station and track area. The area for the future platforms and tracks has been carefully integrated into the site. The mandatory referral application for the Library included public use space totaling 21% of the net lot area, adjacent to the Library and the future residential building. The public use space is located at the intersection of Fenton Street and Bonifant Street. This public space provides an active outdoor civic space, access to the future platform for the Purple Line, and establishes an adequate transition between the Library and the future joint development of the residential building.



Figure 2: Aerial Photo Looking South

PROJECT DESCRIPTION

Previous Approvals

On June 18, 2010, the Planning Board approved with conditions Mandatory Referral No. MR 10719-DGS-1 for the Silver Spring Library.

Montgomery County purchased a site in the Fenton Village District of the Silver Spring CBD for the joint development of a public Library and housing. The Department of General Services submitted a Mandatory Referral for the Library portion of the site. The Mandatory Referral for the public Library included three main Library floors, public meeting rooms, an art center, and County offices totaling 115,514 square feet with a maximum building height of 120 feet. The Mandatory Referral application outlined three phases of development for the Site:

Phase 1: Demolition and Re-location of Existing Utilities - Summer of 2010 demolition took place in preparation for construction of the Library.

Phase 2: Library, Public Use Space and Platform for the Purple Line Station - The Library will be completed before the Purple Line Station is completed. The station platform will be graded and constructed in a way that at the time of the construction of the Purple Line, the paving material in the plaza and platform will be easily removed and replaced by the tracks.

Phase 3: Residential Building - This phase will begin construction after the Library has been completed. The housing has been designed as an integrated project with the Library, public use space and the future transit station. The residential portion will include approximately 140 housing units with limited ground floor retail.

Proposal

The Project Plan and Site Plan applications for the proposed Ownership Lot propose construction of a 110 foot tall building, 160,000 square feet in size, containing up to 155 dwelling units and 9,000 square feet of first floor commercial uses. The applicant proposes the inclusion of 12.5% Moderately Priced Dwelling Units and 10% Workforce Housing Units, with the expectation to include a majority of affordable housing units in the project if proper financing is granted from various governmental entities following plan approval. The proposed FAR on the Subject Property is 1.82 pursuant to Section 59-C-6.234 footnote 25, which is discussed in detail in the project plan section of this report. The applicant is asking for permission to construct the building up to 110 feet in height pursuant to Section 59-C-6.235(b) footnote 1 and 59-C-18.192(b)(1)(C) of the Zoning Ordinance, which is also discussed in greater detail in the project plan findings section of this report. Section 59-C-18.192(b)(1)(C) is the applicable provision that relates specifically relates to the Overlay Zone.



Figure 3: Property Map

April 8, 2013, accommodate seven covered parking spaces accessed from the alley along the southern side of the building. The applicant requests a parking waiver from the Planning Board for the remaining requirement, which results in a 97 percent waiver. Two loading spaces are proposed, per the requirements for a building of this size. The loading bays are proposed to be accessed from the rear service alley behind the building.

COMMUNITY OUTREACH

The applicant has met all proper signage, noticing, and submission meeting requirements. Staff has received correspondence from neighbors of the Subject Property. Their concerns are primarily with the requested height increase of the building to 110 feet and why this should be permitted, noise produced by service vehicles in the rear loading dock, and architectural concerns that the building is not compatible with the architecture of the Silver Spring Library. Beginning on page 11 of this report, the allowances for a building 110 feet in height at this location is discussed. With the recommended conditions for the Project Plan and Site Plan, a building of this height is permissible under the requirements of the Montgomery County Zoning Code and Silver Spring CBD Sector Plan. The applicant explored relocating the loading area of the building from the north side to the west side of the building to reduce the noise impacts on the Crescent Condominium, but due to the location of the parking spaces, the applicant could not relocate the loading area. The loading area is covered by a green roof terrace at the current location and will be the least visible from public rights-of-way. Staff also expressed concerns regarding architectural considerations. The applicant made changes to the building to break up the mass and bulk in the revised plan. Staff does not consider the modifications to the proposed architecture to be incompatible with the Silver Spring Library.

SECTION 2: PROJECT PLAN

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Project Plan No. 920130040, Silver Spring Library Residential, for a mixed-use development with 9,000 SF of commercial uses and a maximum of 155 dwelling units (including 12.5% MPDUs and 32 WFHUs), on 1.45 acres. All site development elements as shown on the plans stamped by the M-NCPPC on March 11, 2013 are required except as modified by the following conditions:

1. Development Ceiling

The proposed development is limited to 160,000 square feet of gross floor area and a maximum 1.82 FAR over the 1.45 acre tract area including a maximum 9,000 square feet of commercial uses and a maximum 155 dwelling units.

2. Housing

The Applicant must provide onsite a minimum of 12.5% of the total number of units as Moderately Priced Dwelling Units (MPDUs), consistent with the requirements of Chapter 25A; and a minimum 32 units as Workforce Housing Units (WFHUs), consistent with the requirements of Chapter 25B, Article V.

3. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to MNCPPC dated April 8, 2013, unless modified at Site Plan review. The development is limited to a maximum building height of 110 feet as determined by the Department of Permitting Services approved building height measurement point.

4. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheets A1.00 through AR.01 of the submitted architectural drawings dated April 8, 2013.

5. Public Use Space and Amenities

- a) The Applicant must provide a minimum of 15,294 square feet of public use space (24% of net lot area) on-site.
- b) As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring Streetscape CBD Standard along the property's frontage on Bonifant Street.

6. Staging of Amenity Features

- a) The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- b) The Applicant must complete the on-site public use space improvements prior to issuance of use and occupancy permits unless modified by the site plan development program.
- c) The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

7. Maintenance

Prior to issuance of use and occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.

8. Transportation

The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”), in its letter dated March 20, 2013, and does hereby incorporate them as conditions of the Project Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT in a manner that does not conflict with other conditions of the Project Plan approval.

Prior to recordation of minor subdivision plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

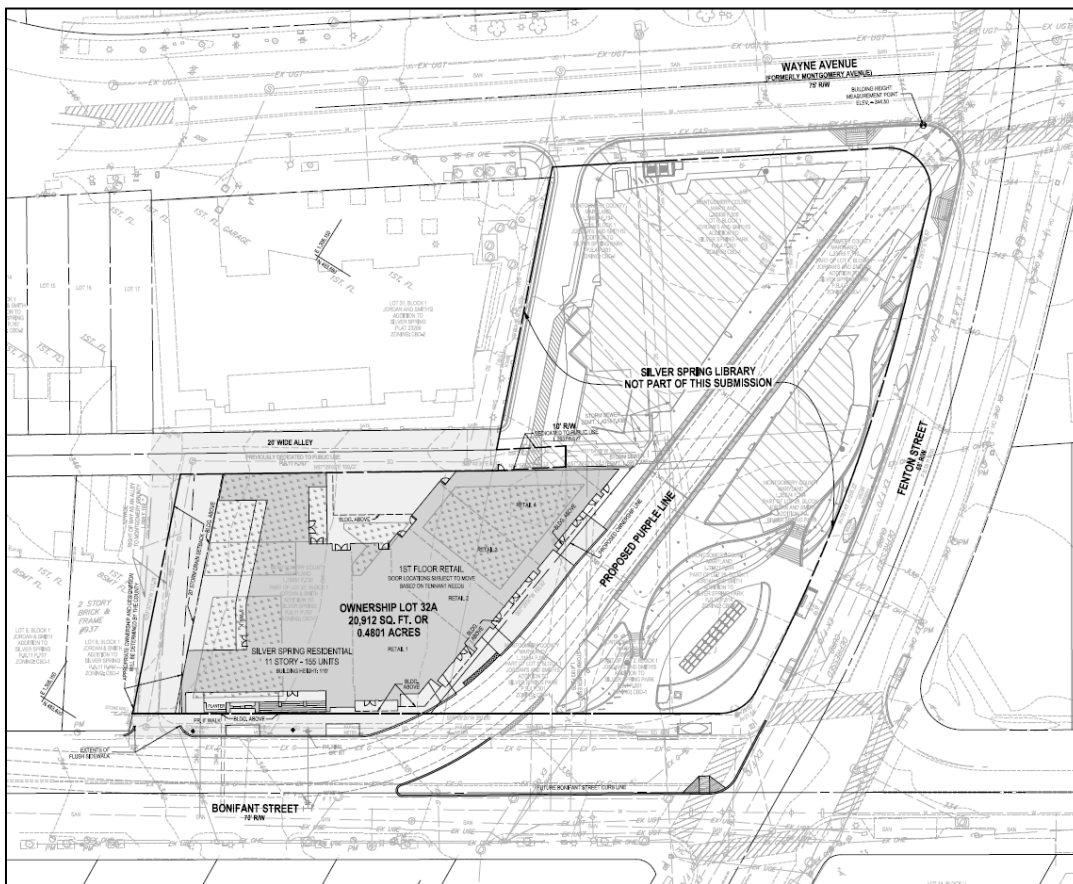


Figure 5: Proposed Project Plan dated April 8, 2013

BASIS FOR CONSIDERATION

Project Plans have a standard of review that includes a Basis for Consideration and Findings. The Basis for Consideration is listed below for reference and discussion is incorporated within the Findings Section. Section 59-D-2.43, Basis for Consideration, states: In reaching its determination on the

application for the optional method of development and in making the required findings, the Planning Board must consider:

- (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.*
- (b) *Whether the open spaces, including developed open space, are sized and located to provide convenient areas for recreation, relaxation and social activities for the residents and patrons of the development. Open spaces should be planned, designed and situated to provide sufficient physical and aesthetic open areas among and between individual structures and groups of structures. The proposed setbacks, yards and related walkways must be wide enough and located to provide 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 proposed development contributed to the overall pedestrian circulation system. Pedestrian walkways must:*
 - (1) *be located, designed and sized to conveniently handle pedestrian traffic efficiently and without congestion;*
 - (2) *be separated from vehicular roadways and designed to be safe, pleasing, and efficient for movement of pedestrians; and*
 - (3) *contribute to a network of efficient, convenient and adequate pedestrian linkages in the area of the development, including 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 the construction of moderately priced dwelling units in accordance with Chapter 25A of this Code if applicable.*
- (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.*
- (j) *Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.*

FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board in concert with the basis for consideration.

Staff makes the following findings:

a) The application would comply with all of the intents and requirements of the zone.

The Subject Property and proposed Ownership Lot on the Subject Property are zoned CBD-1 within the Fenton Village Overlay Zone. Section 59-C-18.191 of the Montgomery County Zoning Ordinance establishes the purpose of this overlay zone:

It is the purpose of the Fenton Village Overlay Zone to address the special development issues in the Fenton Village area as identified in the Silver Spring Central Business District Sector Plan. Specifically, the zone is designed to:

- (a) Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;
- (b) Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;
- (c) Provide flexibility of development standards to encourage innovative design solutions;
- (d) Allow for the transfer of the public use space requirement to other properties within the Overlay District; and
- (e) Allow new uses.

With the inclusion of this residential project on the Site, the applicant has sought to facilitate the implementation of an organized and cohesive development pattern appropriate for an urban environment within this section of Silver Spring. For example, the ground floor retail is oriented towards the Library building in order to allow visitors of the Library easy access to the retail area. The open space is configured to provide a buffer between the Purple Line and development across Fenton Street while at the same time providing relief from the massing of the Library and residential building. The main pedestrian entry to the residential units is proposed from Bonifant Street to complement the less intense commercial development and residential properties on the opposite side of the street.

The original building design presented in the application was rather uninspiring, even institutional in appearance. The applicant has since revised the design with a more varied roof line, contrasting building materials, a green roof, and balconies. The applicant presented to Staff pictures of buildings within the vicinity that include such elements as flat roofs, red brick, and various window styles. The applicant has incorporated sufficient changes to the building design to encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Fenton Village Overlay Zone.

The public use space requirement of 20% of the net lot area will be met over the entire Subject Property, with 24% proposed, located primarily along the Site's Fenton Street frontage. This mixed use building with residential units above ground floor retail is not considered to be a new use. The applicant has asked for some degree of flexibility of development standards as described in subsequent paragraphs below.

Pursuant to Section 59-C-18.192, the development standards are the same as those in the underlying zones, with a few exceptions. The applicable exception to this project is building height, and for this particular property Section 59-C-18.192(b)(1)(C) applies. This section states that for building height in the Overlay Zone: *Within the area between a major highway and a street that confronts a block that includes property zoned in any one-family residential classification, must not exceed 60 feet but may increase up to 90 feet the maximum height allowed if at least 33% of a project's floor area is residential; however, if additional building height is necessary to allow to accommodate workforce housing units and at least 33% of the project's floor area is residential , up to 110 feet and where the additional height is placed near a major highway and decreases in the direction of the closest property zoned in any one-family residential classification.*

The applicant is asking for permission to construct a building up to 110 feet in height pursuant to this section. First, the building does include at least 33% of residential floor area. Second, the provision stipulates that if additional height is necessary to accommodate WFHUs, the building can be constructed to 110 feet in height. The applicant does propose to incorporate WFHUs into the project. The Applicant has submitted the Application with the inclusion of 10% WFHUs. Since 10% of the total number of units equals 16 WFHUs and roughly one floor, the Applicant is entitled to a 10 foot height increase. The applicant, however, desires to construct a 110 foot tall building, so Staff has included as part of the Project Plan and Site Plan conditions that 32 WFHUs must be constructed to achieve roughly two additional floors above 90 feet. This equates to 21% of the total number of units. Third, the Subject Property is located between a major highway (Georgia Avenue) and a street (Fenton Street) that confronts a block (bounded by Fenton Street, Wayne Avenue, Bonifant Street, and Cedar Street) that includes property zoned in any one-family residential classification (R-60). Finally, this section also calls for additional height to be placed near a major highway and decrease in the direction of the closest property zoned in any one-family residential classification. Rather than step the building down over the Purple Line tracks toward the corner of the site at Fenton Street and Bonifant Street, the applicant elected to create the proposed Ownership Lot in the corner of the overall site where the public use space would be less impacted by the building. To keep the public use space uninterrupted, the applicant created a smaller area to construct the building and has thus proposed a building that is 110 feet without step backs. The enlarged building setback from Fenton Street satisfies the intent of this provision.

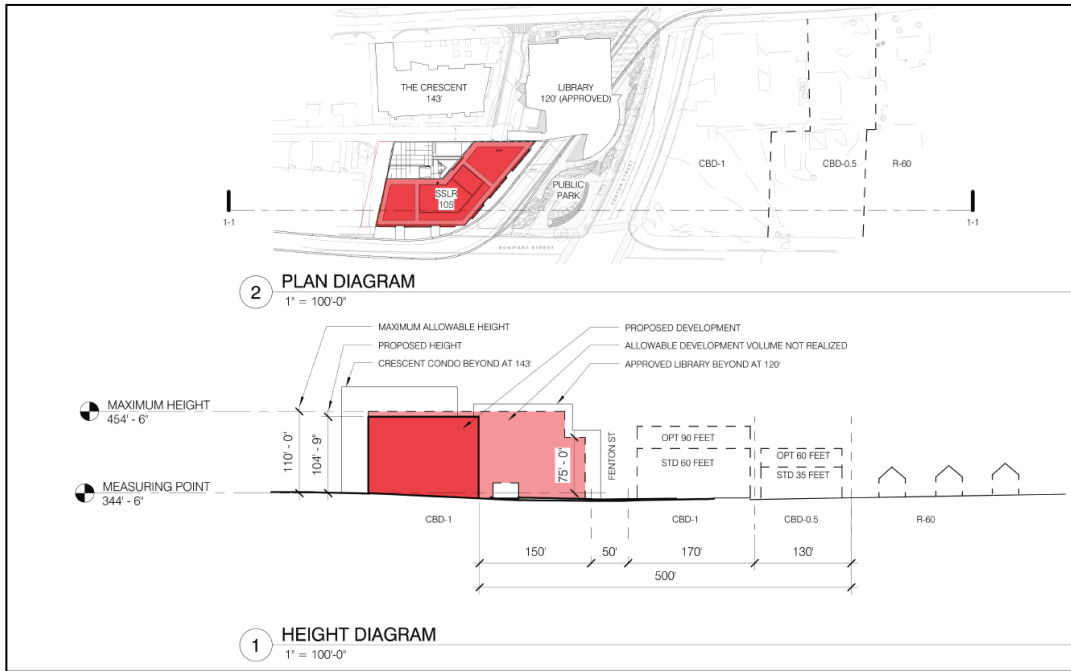


Figure 6: Height Exhibit

The proposed FAR is calculated to be 1.82 over the entire Subject Property. This calculation is permitted pursuant to Section 59-C-6.234 footnote 25 of the Zoning Ordinance. This footnote states that the gross floor area of the publicly owned or operated government facility that is provided in satisfaction of the public facility and amenity requirements for the optional method of development under Section 59-C-6.2357 must not be counted in the gross floor area of the optional method project.

If the Library were to be included in the FAR calculations, the FAR over the Site would be 2.71, which is below the 3.0 threshold for an optional method project in this zone.

b) *The application would be consistent with the applicable sector plan or urban renewal plan.*

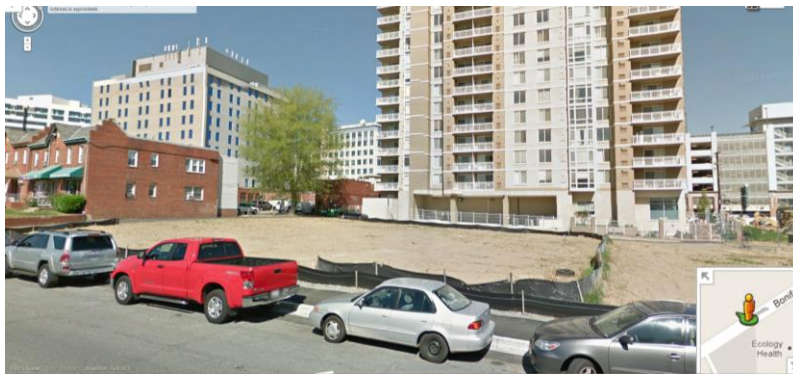
The application is consistent with the 2000 Silver Spring CBD Sector Plan. The CBD Sector Plan envisions Fenton Village as a “diverse community of people living and working together to create a tightly-knit urban neighborhood, conducive to strolling and browsing; its businesses providing personal service and a traditional town atmosphere not found in shopping centers or malls.” More specifically, the objective for Fenton Village is 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.”

The Sector Plan also discusses the Fenton Village Overlay Zone and how it would encourage redevelopment in Fenton Village by providing more flexibility in development standards and the range of permitted uses. The overlay zone was also structured to ensure that new development is compatible with nearby uses and incorporates critical design elements, such as streetscaping and useful public open spaces.

The applicant has sought some degree of flexibility in development standards, which Staff considers reasonable, as discussed in the zoning analysis above. Furthermore, the applicant has taken

surrounding development into account in the design of the building. Commercial properties to the southwest are much smaller in scale when compared to the proposed project; however, these properties are zoned CBD-1 and redevelopment is anticipated to occur in the future. These buildings could be constructed to 110 feet in height under the zoning standards, much like the subject site. The applicant will install streetscaping along the Bonifant Street site frontage, which could serve as a catalyst for further streetscape improvements on the west side of the street. Finally, the applicant's building design allows the public use space concept to be open and accessible to the general public.

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



Street view perspective of the site

The location, size and intensity of the proposed project plan are compatible with the existing and potential development in the general neighborhood. Adjacent properties include the 143 foot tall Crescent Condominium multi-family building to the northwest, to the northeast across Fenton Street there is redevelopment up 70 feet in height proposed, and redevelopment potential exists to the southwest with heights up to 110 feet if workforce housing units are included. The applicant intends to add a 110 foot tall building in one phase to complement the future Silver Spring Library on the site as well as the character of existing development in the area. Rather than step the building down over the Purple Line tracks toward the corner of the Site at Fenton and Bonifant, the applicant has presented a uniform flat roof building buffered by the Purple Line tracks and urban community park on the north side of the site. Green roofs are proposed at the second floor terrace level and main roof of the building, which will enhance the viewshed of surrounding buildings. Service vehicles will conduct operations at the rear of the building by utilizing the alley, which will minimize disruptions along the building frontage within the pedestrian realm. Placement of the seven parking spaces accessed directly from the alley rather than the front of the building allows for a more uniform building design and ensures a more pedestrian friendly retail environment on the site. The "filling in" of the property will help create a more cohesive building line along Bonifant Street and will enhance this pedestrian corridor within Silver Spring. In short, the addition of a residential building in this block will enhance the present mix of uses and not be incompatible or detrimental to existing or future development.

- d) *The application 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, is subject to a traffic mitigation agreement that meets the requirements of that article.

The development proposed under this application will not overburden existing public facilities. The proposed residential building would be built in one phase. The application satisfies the relevant APF tests for a mixed use building consisting of 12,000 square feet of retail and 151,000 square feet of residential development. The applicant elected to test existing transportation facilities for a higher retail square footage than what is proposed in this application to allow flexibility to make amendments to the retail mix in the future. A traffic study, dated February 27, 2013, was submitted for this application in accordance with the *LATR & TPAR Guidelines* because the proposed development is estimated to generate **30** or more total peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. That traffic study determined traffic impacts of the proposed development on nearby roadway intersections during the weekday peak periods.

A trip generation summary is presented in Table 1 below, which shows that the proposed residential building would generate a total of 53 new peak-hour trips during the weekday morning peak period and 71 new peak-hour trips during the weekday evening peak period. The proposed Ownership Lot is presently an unimproved vacant parcel that generates no existing vehicular trips.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED SILVER SPRING LIBRARY RESIDENTIAL DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
155 Multi-Family High-Rise Apartment Units	9	38	47	33	14	47
12,000 SF General Retail Space	3	3	6	12	12	24
Total Trips	12	41	53	45	26	71

Source: Wells + Associates Inc. Traffic Impact Analysis for Silver Spring Library Residential; February 27, 2013.

A summary of the Capacity/ Critical Lane Volume (CLV) analysis results for the intersections studied, during the weekday morning and evening peak periods, is shown in Table 2 below. The CLV values in the existing, background, and total traffic conditions for the study intersections are below the Silver Spring CBD Policy Area’s congestion standard of 1,800 CLV. Based on this analysis, this application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED SILVER SPRING LIBRARY RESIDENTIAL DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Georgia Avenue/ Bonifant Street	759	740	815	820	840	852
Fenton Street/ Bonifant Street	521	838	570	956	583	966
Bonifant Street/ Site Access Point	---	---	---	---	148	250

Silver Spring CBD Policy Area Congestion Standard: 1,800 CLV

Since the proposed development is within the Silver Spring CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the applicant is not required to pay a transportation impact tax to satisfy the TPAR requirement.

The plan allows for adequate access for Fire and Rescue vehicles as determined by the Montgomery County Fire Marshal. The total number of students generated by 155 multi-family high rise units is projected to be approximately seven elementary, six middle, and five high school students. The project is located in the service areas of Sligo Creek Elementary School and Silver Spring International Middle School, and in the base area of Northwood High School. The current FY 2013 Subdivision Staging Policy requires a high school facility payment for approvals in the Northwood cluster schools.

The Application depicts seven covered parking spaces accessed directly from the service alley that intersects with Bonifant Street. This is a substantial reduction in the number of spaces required by code for the number of units proposed. The Site is in the Parking Lot District (PLD) and can pay the County tax for spaces not provided on site. The applicant is requesting a waiver from the Planning Board for the majority of the parking requirement, which is further discussed on page 25 of this report. Staff does not support the requested waiver. Nearby public parking facilities such as the Wayne Avenue Garage and Town Square Garage are located directly across Wayne Avenue and on Ellsworth Drive to account for parking needs for residents and commercial patrons associated with this development and in the Silver Spring District. In addition to the garages, a County surface parking lot is opposite the Site on Bonifant Street and metered parking is offered on all of the public streets.

(e) The application would be more efficient and desirable than could be accomplished by the use of the standard method of development.

The proposal to develop the proposed Ownership Lot using the optional method of development is more efficient and desirable than the standard method of development. Construction of a standard method project would yield a building constructed to the underlying CBD-1 zone standard method

provisions, which stipulates a maximum 60 foot building height and FAR up to 2.0. The optional method allows greater densities at key locations, such as proximity to mass transit, in exchange for greater public amenities and facilities. With a 1.82 FAR and 2.71 FAR with inclusion of the Library, significant space is available for public use on the Site. For a site located in the Fenton Village Overlay Zone, a building constructed to standard method requirements would have little public amenities or open space, and would not necessarily contribute to a cohesive development pattern that is appropriate for an urban environment or be considered an innovative design solution for this site. Additionally, the greater number of affordable housing units provided far exceeds what could be achieved under the standard method. Given the recommendations of the governing Overlay Zone, Master Plan, and the Subject Property's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this particular site.

(f) The application would include moderately priced dwelling units in accordance with Chapter 25A, if the requirements of that chapter apply.

The application includes 18 of the base number of units (137) as moderately priced dwelling units, or 12.5% MPDUs, in accordance with Chapter 25A. The application was approved by the Montgomery County Department of Housing and Community Affairs (Appendix B).

(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 one lot to another or transfer densities, within a lot with two or more CBD zones, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if...

The proposed development does not propose any transfers of public open space or development density from one lot to another. Because this residential project is located on a proposed Ownership Lot within the larger Subject Property, the public use space requirement is calculated over the entire Site area.

(h) Any applicable requirements for forest conservation under Chapter 22A.

Environmental Planning Staff reviewed the July 1, 2010 Final Forest Conservation Plan as part of the Mandatory Referral application for the Silver Spring Library site, which included the Subject Property. In a letter dated July 13, 2010, Environmental Planning Staff approved the Final Forest Conservation Plan. The final forest conservation plan contains no forest onsite and the afforestation requirements must be met by a fee-in-lieu payment. Because clearing and grading has already taken place on the site, this payment was previously made as required on July 9, 2010.

(i) Any applicable requirements for water quality resources protection under Chapter 19.

The proposed stormwater management concept approved on March 28, 2013, consists of Environmental Site Design (ESD) to the maximum extent practicable by using green roof technology and micro-biofiltration. Due to site limitations, full ESD volume cannot be accommodated and a waiver of treatment for the remaining ESD target volume was granted by the Montgomery County Department of Permitting Services.

(j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.

The applicant is not proposing to provide any public facilities or amenities off-site.

SECTION 3: SITE PLAN

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820130100, Silver Spring Library Residential, for a mixed-use development with 155 residential dwelling units (including 12.5% MPDUs and 32 WFHUs) and 9,000 square feet of commercial uses, yielding a 1.82 FAR on 2.02 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on April 8, 2013, are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 920130040, or as amended.

Environment

2. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated March 28, 2013, unless amended and approved by the Montgomery County Department of Permitting Services.

Public Use Space, Facilities and Amenities

3. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 15,294 square feet of public use space (24% of net lot area) on-site.
- b) As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring CBD Streetscape Standard along the property's frontage on Bonifant Street; including the undergrounding of utilities.
- c) All public use space areas on the Subject Property must be completed prior to issuance of use and occupancy permits for the residential development.

4. Recreation Facilities

- a) The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate on the certified site plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the following recreation facilities: indoor community space, picnic/sitting area, pedestrian system, and an indoor fitness facility.

Adequate Public Facilities

5. Transportation

- a) The development is limited to a maximum 155 residential dwelling units and 9,000 square

- feet of commercial uses.
- b) The Applicant must enter into a Traffic Mitigation Agreement (“TMAg Agreement”) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD). The Applicant must execute the TMAg Agreement prior to the release of any building permit for the proposed development.
 - c) The Applicant must provide 20 private and 10 public bicycle parking spaces. The private spaces must be in a secured and well-lit bicycle room in the parking garage near the elevator or entrance and the public spaces must be inverted-U racks installed along the building’s retail frontage (weather protected preferred). Specific Locations of the public bicycle rack locations must be identified on the Certified Site Plan.
 - d) The Planning Board has accepted the recommendations of the Maryland Transit Administration (“MTA”) in its letter dated March 21, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MTA provided that the amendments do not conflict with other conditions of the Site Plan approval.
 - e) The Applicant must provide an unobstructed sidewalk width of at least 6 feet along the site’s Bonifant Street frontage and at least 8 feet along the east building face (along the proposed Purple Line transitway alignment internal to the site).

6. Schools

The Subject Property is within the Northwood High School Cluster area. The Applicant must make a School Facilities Payment to the Montgomery County Department of Permitting Services at the high school level at the multifamily unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

7. Validity

The Adequate Public Facility Review (APF) will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution for the Site Plan.

Density & Housing

8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must comply with the Department of Housing and Community Affairs letter dated March 14, 2013 and include the following:

- a) The development must provide onsite a minimum of 12.5% of the total number of units as MPDUs, consistent with the requirements of Chapter 25A.
- b) The MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) shall be executed prior to the release of any building permits.
- c) All of the required MPDUs shall be provided on-site.

9. Workforce Housing Units (WFHUs)

The Applicant must comply with the Department of Housing and Community Affairs letter dated March 14, 2013 and include the following:

- a) The development must provide onsite a minimum 32 units as WFHUs, consistent with the requirements of Chapter 25B, Article V.

- b) The WFHUs agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) shall be executed prior to the release of any building permits.
- c) All of the proffered WFHUs shall be provided on-site in order to achieve the requested building height.

Site Plan

10. 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.

11. Landscaping

- a) Provide all landscape structures, including walls, fences, railings, paving, etc. per sheets L1.00-L3.00.
- b) Provide all trees, shrubs and groundcovers in accordance with approved landscape drawings, sheets L4.0-L4.1 for Mandatory Referral No. MR 10719-DGS-1.
- c) The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the Silver Spring CBD Streetscape standards.

12. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Society of North America standards for residential/commercial development.
- b) All onsite down light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) The final lighting plan submitted as part of the certified site plan must show light fixtures for the second floor courtyard level. The height of the rooftop light poles must not exceed 8 feet including the mounting base and must be directed downward. Alternatively, if bollards are proposed, the light fixtures must not exceed 4 feet and must be directed downward.
- e) The final lighting plan submitted as part of the certified site plan must show bollard lights along the retail corridor of the building, consistent with those provided on the lighting plan sheet LT1.1 for Mandatory Referral No. MR 10719-DGS-1.

13. Surety

Prior to issuance of first building permit 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) The 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.

14. 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:

- a) 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.
- b) On-site amenities including, but not limited to, indoor community space, picnic/sitting area, pedestrian system, and an indoor fitness facility including all paving, lighting, site furnishings, benches, trash receptacles and bicycle facilities must be installed and completed prior to final use and occupancy permit.
- c) 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.

15. 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) Modify data table to reflect development standards enumerated in the Staff report.
- c) Specific locations of the public bicycle rack locations must be identified on the Certified Site Plan.
- d) Final location and details of rooftop or onsite lighting.
- e) Corrections of plan sheets C0.0 and C1.0 as shown on the exhibit submitted to Staff on March 20, 2013.
- f) Minor changes to the recreation facilities.
- g) Ensure consistency of all details and layout between site plan and landscape plan.

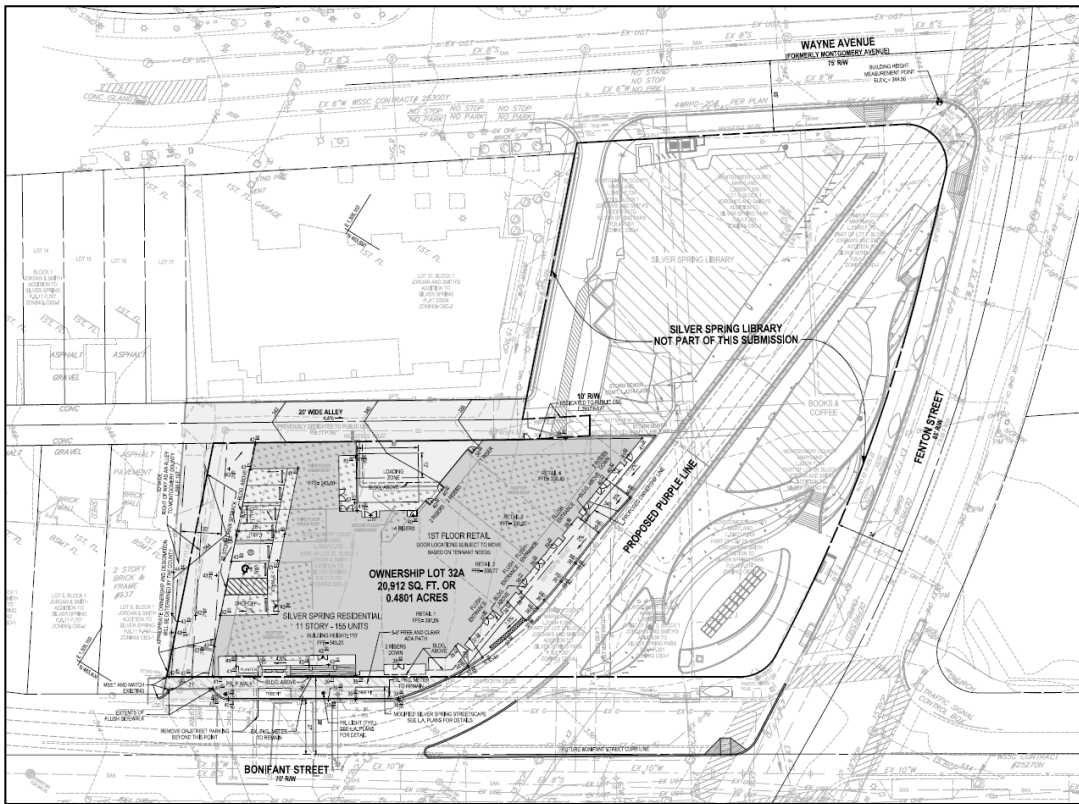


Figure 7: Proposed Site Plan dated April 8, 2013



Figure 8: Illustrative Building Rendering

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.*

Neither a development plan, diagrammatic plan nor a schematic development plan was required for this application.

The Site Plan is consistent with Project Plan No. 920130040 reviewed concurrently with the subject application in terms of design layout, development standards, and conditions of approval.

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.*

As previously discussed in the project plan findings, the proposed development is in substantial conformance with the recommendations in the Silver Spring CBD Sector Plan. As demonstrated in the Data Table, the Site Plan meets all the requirements of the CBD-1 zone and Fenton Village Overlay Zone under the optional method of development, subject to further discussion of the allowable height. The proposed uses are allowed in the CBD-1 Fenton Village Overlay Zone and the Site Plan meets the purposes of the zones by providing a mixed-use development with primarily residential uses (155 total multi-family units) and first floor commercial uses (9,000 square feet). The development will contribute to the creation of a diverse community of people living in housing that will upgrade the physical environment, as well as contribute to a pedestrian-friendly atmosphere that encourages people to stroll and enjoy their surroundings.

The proposal meets the density requirements of the zone(s) and recommendations in the Silver Spring CBD Sector Plan. The overall density, which is proposed at 1.82 FAR over the entire Site if the Library is excluded, and a 2.71 FAR over the entire site if the Library is included, is within the maximum density of 3.0 FAR.

The applicant proposes to increase the maximum height of the building from 60 feet to 110 feet pursuant to Section 59-C-18.192(b)(1)(C) of the Zoning Ordinance. The building will have a substantial buffer of public open space within the Site boundary, nearest the block containing one-family residential homes. The applicant proposes to accommodate 16 workforce housing units within the building, which permits a 10 foot building height increase. With project plan and site plan conditions requiring 32 WFHUs, two additional floors, or 20 feet of building height, is permissible.

While there is no parking requirement for the building since it lies within the Parking Lot District, a tax is required for all spaces not accommodated on-site to provide assistance to maintain the public parking facilities that residents and patrons use in lieu of on-site parking facilities. As originally submitted the application proposed 28 parking spaces with garage access from Bonifant Street. The proposal has since been modified provide seven parking spaces within the building, which equates to 3% of number of parking spaces per the Zoning Ordinance. The Applicant is required to pay a tax

to the Parking Lot District for the remaining 97% of the requirement. The Applicant is requesting the Planning Board waive the remaining 97% parking requirement to provide relief from payment of this tax. Staff does not support this waiver because under the current application request to provide the required 12.5% MPDUs under the optional method of development and 32 WFHUs as conditioned to achieve a 110 foot building height, no substantial public benefit is being provided which would constitute a unique situation for Staff to consider this request. Residents of the building and patrons of the ground floor retail will utilize the existing County public parking facilities. The applicant's full justification for this waiver is outlined in their Statement of Justification (Appendix A).

Data Table for CBD-1, Fenton Village Overlay Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Proposed with 820130100
Site Area (sf.)		
Gross Tract Area	18,000 sf	87,822 sf
Less Dedication for Public ROW Previously dedicated area	n/a	24,779 sf
Net Lot Area	n/a	63,043 sf
Density		
Max. Overall (FAR)	3.0	1.82 ¹
Residential	Min. 33% of FAR must be residential	1.72 (94% of total FAR is residential)
Retail	n/a	0.10
Residential D.U.s	n/a	155
MPDUs [Chapter 25A] Workforce housing Market Rate	12.5% Required to exceed 90' height Established from FAR	12.5% 32 units required to achieve 110' height 105
Min. Public Use Space		
Percent of net lot area on-site	20% total (12,608 sf)	24% (15,294 sf)
Percent of net lot area off-site	n/a	
Min. Building Setbacks (ft) [59-C-10.3.8]		
Front	0	0
Side (West)	0	0
Side (East)	0	0
Rear	0	0
Max. Building Height (ft)		
	60 ft (Fenton Village Overlay Zone)	110 ft ²

Vehicle Parking (number of spaces-site is located in parking lot district and applicant will pay tax for parking not provided)		
Retail	45 spaces	0 spaces
Office	n/a	n/a
Residential	135 spaces	7 ³

¹Per Section 59-C-6.234 footnote 25, the gross floor area of the publicly owned or operated government facility must not be counted in the gross floor area of the optional method project.

²Per Section 59-C-18.192(b)(1)(C), the maximum height may be increased to 110 feet.

³The site is located within the Parking Lot District and, therefore, the applicant is not required to provide on-site parking in accordance with the Zoning Ordinance standards. For this application, the applicant has requested a 97% parking waiver to provide relief from the parking lot district tax for the remainder of the parking.

Adequate Public Facilities Ordinance requirements were analyzed as part of the traffic test outlined on page 15 of this report, school capacity, and Montgomery County Fire Marshal review. The site plan application meets all of the applicable standards for these criteria. Reviewing agency approvals are included in Appendix B.

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

a) Locations of buildings and structures

As modified by the architectural drawings, the locations of the proposed building and structures are adequate, safe, and efficient. The Applicant proposes constructing this residential building in the southwest portion of the Subject Property on proposed Ownership Lot 32A. The entrance to the residential units will be located from Bonifant Street. These access points from Bonifant Street will minimize conflicts with pedestrian and vehicles traveling to the Library from Wayne Avenue and Fenton Street. At the same time, the retail storefronts of the subject building will face Bonifant Street and the Site's public use space, activating both of these facades for the pedestrian and linking visitors of the Library to the proposed building. Placing the covered garage of the building along the southwest building façade with access from Bonifant Street constrains the role of vehicles on the Site to a safe location on the periphery. Service vehicles accessing the building will use the alley to reach the rear of the building and will have minimal impact on the public realm which is the primary focus along the frontage of the proposed Ownership Lot. Staff finds that the locations of buildings and structures on the Site will result in an adequate, safe, and efficient configuration for vehicular access.

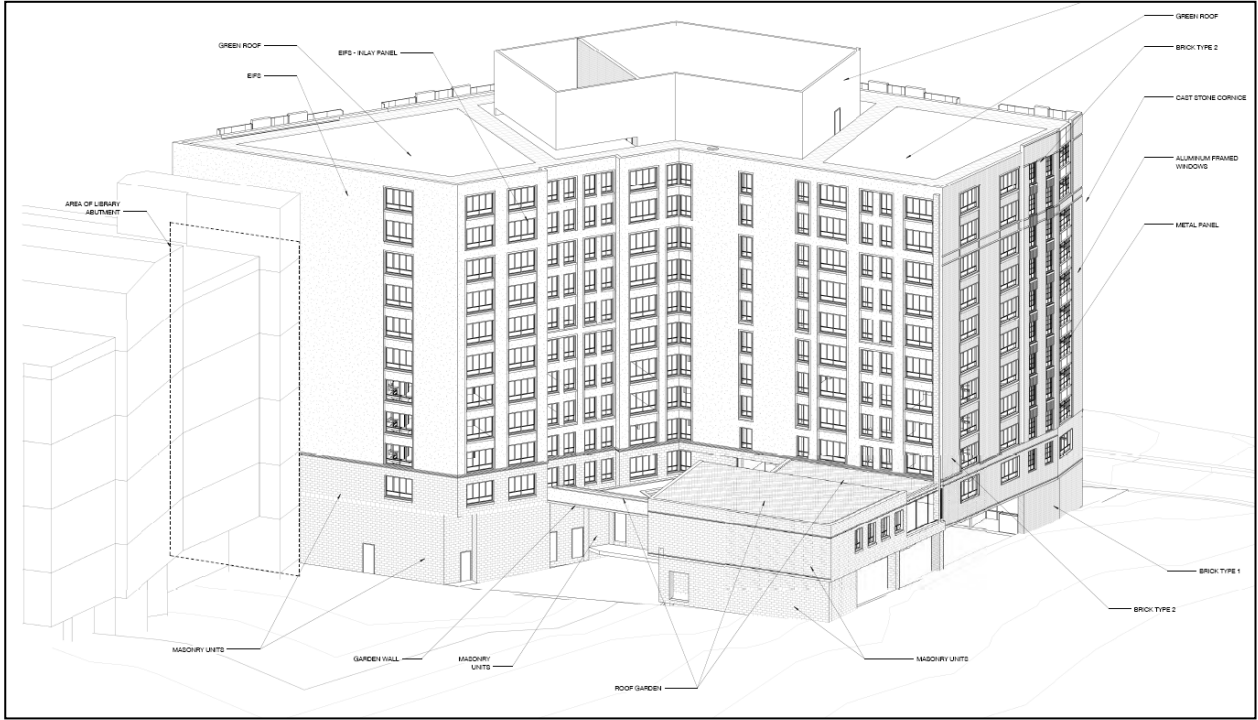


Figure 9: Rear Building Perspective



Figure 10: Front Building Perspective

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The CBD-1 Zone has a 20% public use space requirement for optional method projects. Applicants provide public use space on-site, off-site, or a combination of the two. The public use space is calculated over the net tract area, and when calculated over the entire Subject Property, the applicant meets this requirement on-site. The applicant is providing 24% of the net lot area as public use space on-site.

The public use space design submitted as part of Mandatory Referral No. 1079-DGS for the Silver Spring Library is designed as an urban community park with a central green, plentiful trees and seating areas, a bio-retention basin, paving materials emphasizing the park as an extension of the Library, and lighting to further activate the area at night. The park was designed to provide increased visual interest for the pedestrian and a strong integration with the architecture of the Library and future residential building on the Site.

For the residential portion, the applicant proposes additional on-site amenities specifically for future residents of the building. An indoor community space and indoor fitness facility will be available as amenities for residents of the building. Private open spaces including a picnic/sitting area and pedestrian system are also proposed. The picnic/sitting area is located within a courtyard on the second floor and is proposed as a respite area for residents. The pedestrian system is located along the front of the proposed Ownership Lot in accordance with the Silver Spring CBD Streetscape standards.

The diversity of open spaces proposed is adequately dispersed throughout the Subject Property to provide safe and convenient access to all residents while efficiently providing relief from the density being proposed.

c) Landscaping and Lighting

The landscaping plan submitted as part of the site plan is adequate, safe, and efficient. The landscape proposed serves several purposes. It provides adequate canopy coverage and shade for public areas. It efficiently defines open spaces and amenity areas by creating an edge or boundary, and adding interest. It also integrates different uses on the Site by using similar plant materials to connect the Library to the retail spaces within the proposed residential building.

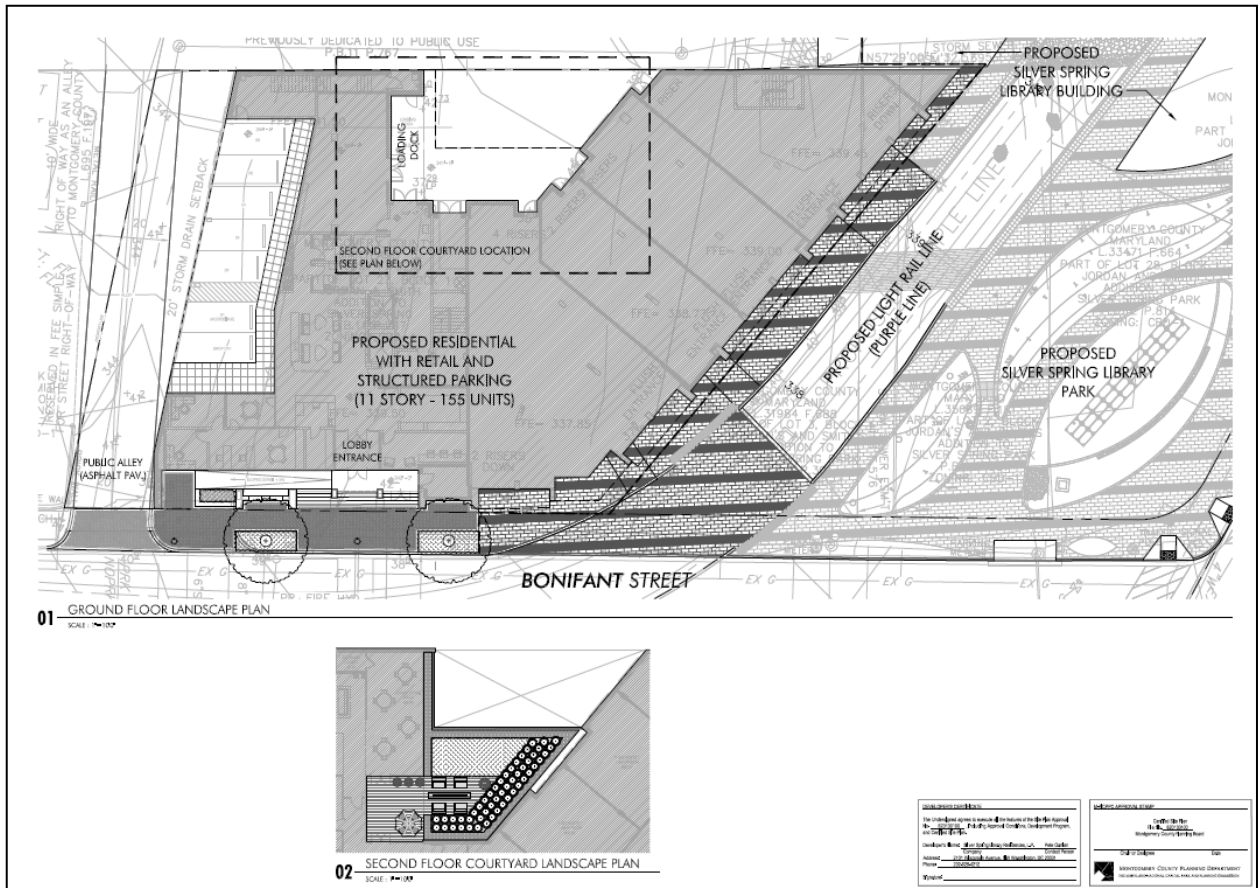


Figure 11: Interior courtyard amenity space

The proposed lighting is adequate, safe, and efficient with the recommended conditions. Staff has requested additional lighting in front of the retail storefronts along the east side of the building. Adequate lighting must also be provided at the second floor courtyard but must be full cutoff to ensure compatibility with surrounding developments.

d) Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The recreation facilities provided within the building, which are included in the recreation calculations, include: indoor community space, picnic/sitting area, pedestrian system, and an indoor fitness facility. Because of the urban nature of the site, the applicant has elected to provide an off-site supply of amenities as well.

As shown below, the recreation calculations satisfy the 1992 M-NCPPC Recreation Guidelines for 155 multi-family dwelling units. These facilities adequately and efficiently meet the recreation requirements of this development on-site while also providing an adequate off-site supply. All facilities will be safe and accessible opportunities for recreation for various age groups.

Demand		D1	D2	D3	D4	D5
	Number of Units	Tots	Children	Teens	Adults	Seniors
Housing Type		0 to 4	5 to 11	12 to 17	18 to 64	65+
Hi-Rise (5 or more)	155	6.20	6.20	6.20	119.34	71.30

On-Site Supply		D1	D2	D3	D4	D5
	Quantity Provided	Tots	Children	Teens	Adults	Seniors
Recreation Facility		0 to 4	5 to 11	12 to 17	18 to 64	65+
Indoor Community Space		0.62	0.93	1.86	35.81	28.52
Picnic/Sitting		4.0	4.0	6.0	20.00	8
Pedestrian System		0.62	1.24	1.24	53.71	32.09
Indoor Fitness Facility		0	0.62	0.62	23.87	10.70
	total:	5.24	6.79	9.72	133.38	79.30

Off-Site Supply		D1	D2	D3	D4	D5
	Quantity Provided	Tots	Children	Teens	Adults	Seniors
Recreation Facility		0 to 4	5 to 11	12 to 17	18 to 64	65+
Play Lot		0	3.15	1.05	1.4	0.35
Volleyball		0.70	0.70	1.05	2.8	0.35
Tennis		0	0.53	3.68	8.4	0.35
Soccer-Regulation		0.70	5.25	7.00	14.0	0.70
	total:	1.40	9.63	12.78	26.60	1.75

Adequacy of Facilities	D1	D2	D3	D4	D5
Total Supply	7.56	12.53	16.59	338.65	175.02
90% Demand	5.58	5.58	5.58	107.42	64.17
Adequate?	yes	yes	yes	yes	yes

e) Pedestrian and Vehicular Circulation Systems

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The primary entrances/exits to the building are from Bonifant Street, emphasizing the pedestrian realm at the front of the building along this corridor. Approximately 11 feet separates the building from the curb line of Bonifant Street, and this space includes the sidewalk, landscaping, and street furniture. An internal sidewalk extends away from Bonifant Street to provide access to the retail uses. Pedestrians will not be encouraged to access the building from the alley behind the site, however, emergency egress for building residents and tenants will be provided in the back of the building from the loading area.

Vehicular access to the garage will be located from the service alley. Due to the limited availability of on-site parking, Staff anticipates minimal vehicular traffic accessing the garage. Alley access to the rear of the building will be required for service vehicles, which will safely remove such vehicles from the pedestrian realm on Bonifant and Fenton Streets. Six feet of sidewalk is provided in the area between the garage entrance and the alley to provide a safe refuge area for pedestrians and bicyclists if traffic enters or exits these two driveways simultaneously. Covered bicycle parking will be provided within the garage which will provide adequate protection from outside elements, and 10 bicycle parking spaces will also be provided in front of the building near the retail storefronts.

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

The structure and uses proposed are compatible with other uses and site plans, and with existing and proposed adjacent development. The future redevelopment of the adjacent property to the northeast (Site Plan #820130050, Fenton Street) will benefit from the redevelopment of the subject site with retail and substantial public use space on the overall subject site in close proximity to their site. A green roof on the building and courtyard terrace level on the second floor seeks to enhance the viewshed for the Crescent Condominium residents directly northwest of the site. Streetscape improvements will make the Subject Property's Bonifant Street frontage more attractive for customers of the businesses located to the southwest of the proposed Ownership Lot on Bonifant Street. The retail location will be easily accessible by visitors of the Library, and the quieter side of the building has been appropriately placed along Bonifant Street to be more compatible with the Lofts 24 building across the street.



Figure 12: East Illustrative Building Elevation as seen from Fenton Street



Figure 13: South Illustrative Building Elevation as seen from Bonifant Street

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.

Environmental Planning Staff reviewed the July 1, 2010 Final Forest Conservation Plan as part of the Mandatory Referral application for the Silver Spring Library site, which included the subject property. In a letter dated July 13, 2010, Environmental Planning Staff approved the Final Forest Conservation Plan. The final forest conservation plan contains no forest onsite and the afforestation requirements must be met by a fee-in-lieu payment, which was previously made as required on July 9, 2010.

The proposed stormwater management concept approved on March 28, 2013, consists of Environmental Site Design (ESD) to the maximum extent practicable by using green roof technology and micro-biofiltration. Due to site limitations, full ESD volume cannot be accommodated and a waiver of treatment for the remaining ESD target volume was granted by the Montgomery County Department of Permitting Services.

APPENDICES

- A. Applicant's Justification Statement
- B. Reviewing Agency Approvals
- C. Citizen Correspondence

**AMENDED JUSTIFICATION STATEMENT
FOR SITE PLAN NO. 820130100 AND PARKING WAIVER**

Site Plan Justification for Silver Spring Library Residences

I. INTRODUCTION

Applicant, Silver Spring Library Residences LP (the “Applicant”), by its attorneys, Linowes and Blocher LLP, submits this Site Plan and Parking Waiver Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The proposed development that is the subject of this Site Plan/Parking Waiver Application, and an accompanying Project Plan Application, is an 11-story residential building of approximately 151,000 square feet, with up to 155 dwelling units (including 18 moderately priced dwelling units (“MPDUs”) or 12.5% and 16 workforce housing units (“WFHU’s”) or 10%, and first floor retail of up to 9,000 square feet, with accompanying parking and ancillary facilities (the “Project”). As discussed below, this Justification Statement analyzes the Project’s residential component as a multi-family dwelling use. Applicant, however, hopes to provide the residences as a mix of family and senior housing (with at least one member of the household 62 years old or older) with management oversight by Montgomery Housing Partnership, Inc. (“MHP”) and support from Montgomery County, while maximizing the number of affordable housing units beyond the MPDU and WFHU requirements. Both the provision of senior housing and the number of affordable housing units will ultimately be decided by the government and/or government-related entities providing the financing for the Project. Accordingly, the Applicant is presenting this application for the most intensive use, non-age restricted units with the minimum MPDUs and WFHUs, to assure that impacts of the Project are properly reviewed; however, it is also with the understanding that if senior units are added and/or more affordable units are provided, within the same building design, land area and maximum number of units, they can be accommodated without the need to return for modifications to the Site Plan and Parking Waiver approvals as well as the accompanying Project Plan approval, as the overall Project impact will be less.

The Project will be located on an ownership lot consisting of 20,912 square feet, located on the north side of Bonifant Street, west of its intersection with Fenton Street in Silver Spring, Maryland, to be identified as Ownership Lot 32A on a resubdivision plat (the “Resubdivision

Plat”) being submitted closely in time herewith titled “Lot 32, Block 1, Jordan and Smith Addition, Silver Spring” (currently Part of Lot 27 from Plat Book 11, Plat #767; and Part of Lot 3 and Part of Lot 2 from Plat Book 4, Plat #301) (the “Property”). The Property is owned by Montgomery County, Maryland (the “County”), as is the adjacent land which will be identified on the Resubdivision Plat as Ownership Lot 32B, consisting of 42,131 square feet, and is the site of a new public library (the “Library Site”) which was the subject of Mandatory Referral No. 1079-DGS-1, reviewed in 2010, and for which construction activities have already begun. The Property is zoned CBD-1 Zone/Fenton Village Overlay Zone and is included in the Silver Spring CBD Sector Plan, which was approved and adopted in February 2000 (the “Sector Plan”).

Applicant respectfully requests that the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“the Planning Board”) grant approval of the requested Site Plan Application, including a parking waiver under Section 59-E-4.5 of the Zoning Ordinance, and a building height of 110 feet pursuant to the Fenton Village Overlay Zone under Sections 59-C-18.192(b)(1)(C) and 59-C-6.235(b) of the Zoning Ordinance. These sections in tandem allow additional height in an area to accommodate workforce housing when at least 33% of the project’s floor area is residential and the additional height is placed near a major highway and decreases in the direction of the closest property zoned in any one-family residential classification, which is described in more detail below.

II. BACKGROUND

A. The Adjacent Public Library

As mentioned above, the Project will be adjacent to the new Silver Spring Public Library (the “Library”) to be located on the Library Site. The Library is proposed as a 5-story, approximately 78,361 square foot building. The Library “is intended to meet the unique requirements of an increasingly urban, ethnically and culturally diverse residential and business community.”¹ The Library is designed to incorporate a rail station for the proposed Purple Line, utilize modern architecture, and contain, among other things, meeting rooms, computer labs, an

¹ *Silver Spring Library*, Montgomery County Department of General Services, <http://www6.montgomerycountymd.gov/mcgtmpl.asp?url=/content/DGS/DBDC/RegionalProjectPages/SilverSpringProjects/sslibrary.asp> (last visited December 5, 2012).

art gallery, and a café.² There will be two entrances into the Library from Wayne Avenue and an additional entrance from Fenton Street.³ Site preparations for the construction of the Library are underway. As of January 2013, utility relocation work is almost complete and the Library construction is imminent.

The Library will be located on what is currently known as Lot 5, Lot 6, Part of Lot 7, and Part of Lot 29, Block 1, Jordan's and Smith's Addition to Silver Spring Park as shown on Tax Map JN 343. The Library Site and the Property will ultimately be located on a recorded lot to be identified as Lot 32, Block 1, Jordan and Smith Addition, Silver Spring consisting of 63,043 square feet (collectively, the Library Site and the Property will be referred to herein as the "Combined Lot"). The Library Site, will contain numerous public amenities and spaces, including the library itself, a community urban park, and the Purple Line station, which will satisfy the requirements for public use space and amenities for the Project.

B. Surrounding Land Use and Zoning

The land that will constitute the Combined Lot, which includes the Property, is currently vacant. As noted above, site work on the Library Site has begun. To the west of the Property along Bonifant Street (937 through 963 Bonifant Street) are commercial uses zoned CBD-1/Fenton Village Overlay Zone, including restaurants, hair salons, and other community serving retail, which are located in one to two-story buildings. To the west of the Library Site is the fourteen-story Crescent Condominium building, which is located at 930 Wayne Avenue and zoned CBD-2/Fenton Village Overlay Zone. Further west on Wayne Avenue is additional community serving retail in one story buildings (938 through 948 Wayne Avenue) and a nine-story commercial office building with ground floor retail (962 Wayne Avenue), all of which are also zoned CBD-2/Fenton Village Overlay Zone. One to three-story commercial uses, including restaurants and other community serving retail, are located along the portion of the Combined Lot's block that fronts Georgia Avenue (8401 through 8435 Georgia Avenue), which are zoned CBD-2/Fenton Village Overlay Zone.

² *Id.*

³ *Id.*

III. PROPOSED PROJECT

The Project will be an approximately 160,000 square-foot mixed-use, urban, and infill development consisting of up to 155 multi-family residential dwelling units, with a minimum of 18 MPDUs and 16 WFHUs, and approximately 9,000 square feet of ground floor retail space in an 11-story structure. The Project's 11-story structure will showcase modern architecture that will fully complement the striking Library design while still maintaining the uniquely residential character of Silver Spring. The Project provides a mix of studios, 1-bedroom and 2-bedroom apartments. Although this Justification Statement examines the Project's residential component as a multifamily dwelling use, Applicant anticipates that the apartments may include age-restricted units (for 62 and older residents) which will constitute a less intensive use, with management oversight by MHP and County support. Applicant also seeks to incorporate as many affordable housing units as financing allows, likely to exceed the minimum number of MPDUs and WFHUs provided, in order to attract tenants with a mix of incomes at 60%, 50%, and 30% of median income. MHP is dedicated to expanding affordable housing and providing community life programs that enrich the lives of residents.

Applicant also intends to offer residential amenities including a fitness center, a community living room, a conference/game room, a business center, and an outdoor terrace with barbeque area and seating. The ultimate demographics and demands of the resident population will drive the types of amenities offered inside the building. The Project proposes a green roof and other stormwater management measures, which will meet the applicable stormwater management regulations. The Project will include 28 spaces of below-grade parking to be accessed from an entrance/ramp off of Bonifant Street. Loading will be handled at the rear of the building with access via the public alley system.

The Project also provides enhanced streetscaping along Bonifant and Fenton Streets. There will be an entrance to the lobby for the residences from Bonifant Street, along which will include improved sidewalks, lighting, and new street trees. The Project proposes fronting the approximately 9,000 square feet of ground floor retail onto the planned Purple Line tracks, facing Fenton Street and the park area on the Library Site. The open space on the corner of Bonifant and Fenton Streets (discussed in additional detail below), will contain a community urban park with a central green lawn, trees, a bio-retention basin, a pedestrian plaza, and seating

areas. The attractive open space will provide opportunities for recreation, interaction, relaxation, and social activities near the Project and the Library, encourage additional pedestrian activity, and provide an appropriate gateway to and transition from the east side of Fenton Street to the Project and the CBD core. As noted above, these amenities on the Library Site will satisfy the Project's 20% minimum public use space requirement.

A. Affordable Housing

The Project includes a significant number of affordable housing units, which furthers the objectives of the Sector Plan and other important Montgomery County policies. *See* Sector Plan, pg. 125. The Project will provide a minimum of 18 MPDUs and 16 WFHUs. Applicant also intends to provide affordable housing in addition to the MPDUs and WFHUs with dwelling units targeted for those earning 60%, 50% and 30% of median income. Applicant's partnership with MHP and the County will facilitate developing the Project as affordable housing and providing services that expand the opportunities of residents. Applicant also anticipates providing age-restricted units as part of the Project, but the exact mix will be determined based on government-related funding programs and approvals. The Applicant envisions the Project's residential component as fostering a vibrant mixed-income community. The affordable housing units included in the Project will provide much needed affordable housing in the Silver Spring CBD, allow residents convenient access to transit, jobs, and services, increase pedestrian activity in Fenton Village, and create new patrons for community-serving retail.

B. Traffic Impact Analysis

The Traffic report submitted herewith indicates that all studied intersections will continue to operate at acceptable levels. Further, because the Property is in the Silver Spring CBD/MSPA it is exempt from TPAR payments. Although the Applicant anticipates that the Project's residences will include senior units with a significant affordable housing component, it has based its traffic analysis and conclusions on the more intense use of unrestricted dwelling units.

IV. FINDINGS REQUIRED FOR SITE PLAN APPROVAL

Section 59-D-3.4(c) of the Zoning Ordinance provides the findings that the Planning Board must make before approving a site plan application. The following is an analysis of how the Application satisfies these 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 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 submitted Project is consistent with the concurrently filed Project Plan.

- (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;*

Applicant's site plan proposes redeveloping the Property with up to 155 dwelling units, 12.5% of which are MPDUs (18) and 10% of which are WFHUs (16), up to 9,000 square feet of ground floor retail space, and 15,294 square feet of public use space under the optional method of development in the CBD-1 Zone pursuant to Section 59-C-6.215(b) of the Zoning Ordinance as modified by the Fenton Village Overlay Zone pursuant to 59-C-18.192(b). Depending on financing, Applicant intends to provide senior housing and a range of affordable housing units targeted for those with varying incomes. The amenities on the Library Site will satisfy the 20% minimum public use space (of net lot area) requirement under Section 59-C-6.233 of the Zoning Ordinance for the Project. As noted above and in the concurrently filed Project Plan justification statement, Applicant requests that the Planning Board permit an increase from the building height limit of the CBD-1 Zone to 110 feet under the Fenton Village Overlay Zone development standards contained in Section 59-C-18.192(b)(1)(C) of the Zoning Ordinance to accommodate workforce housing units where at least 33% of the project's floor area is residential and the additional height is placed near a major highway and decreases in the direction of the closest property zoned in any one-family residential classification. As shown on the Development Data Table on the Site Plan, the Project meets the Zoning criteria.

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

As proposed in the Project, the building locations and overall site design and layout, including the open space, landscaping and amenities, will be adequate, safe, and efficient. The Project's 11-story structure, which is specifically designed to be integrated with the Library,

utilizes complementary architectural design and creates a continuous building wall from the Library to the Project's retail frontage appropriate for an urban setting. The footprint of the 11-story structure also accommodates rail tracks for the planned Purple Line and is proximate to the envisioned Purple Line rail station at the Library. Applicant also intends to offer residential amenities including a fitness center, a community living room, a conference/game room, a business center, and an outdoor terrace with barbeque area and seating area. Applicant's Project also includes up to 9,000 square feet of ground floor retail, which is contained in storefronts, to encourage pedestrian activity and facilitate connections with the Library, the Purple Line station, and the proposed public use open space on the corner of Bonifant and Fenton Streets. The Project will provide 28 underground parking spaces, and loading will be at the rear of the building, with access via the alleys.

The Project provides inviting public use space on the corner of Bonifant and Fenton Streets. This community urban park on the Library Site will include a central green, trees, seating areas, a bio-retention basin, special paving emphasizing the park as an extension of the Library, and special lighting that will establish a gathering place for the Project's tenants and patrons, Library visitors, Purple Line riders, and other pedestrians. The Project's pleasant public use space will encourage pedestrian activity and increase opportunities for recreation, interaction, relaxation, and social activities. This public use space area is intended to serve as a gateway to the Project and the Library on a key street corner in Fenton Village. As noted above, the amenities on the Library Site will satisfy the Project's 20% minimum public use space (of net lot area) requirement. Additionally, the Project also proposes streetscaping improvements on the Property, including improvements to existing sidewalks with brick and installation of street trees and lighting. These measures will enhance pedestrian safety in Fenton Village. The Project's components, including the 11-story structure, small storefronts, and the public use space, will create an interesting and varied experience for pedestrians. Furthermore, the Site Plan reveals that the Project includes significant stormwater management and environmental site design measures, including a green roof, a micro planter box that will capture runoff from non-green roof areas, and a filter in the underground garage to treat runoff not captured by the green roof and the micro planter box.

- (4) *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development;*

The Project has been carefully designed and situated on the Property to be compatible and in scale with the existing and future surrounding uses. As noted above, the Project has been planned for seamless integration with the Library, the future Purple Line rail tracks, and the Purple Line rail station at the Library. The Project's 11-story structure is compatible with other high rise structures on the same block as the Property, including the fourteen-story Crescent Condominium building located at 930 Wayne Avenue and 962 Wayne Avenue, which is a nine-story commercial office building with ground floor retail. Although there are a number of existing low-rise buildings on the same block as the Project, these properties are zoned CBD-1 and CBD-2 and contained in the Fenton Village Overlay Zone, all of which anticipate more urban, intensive, higher, denser, and infill development. The size of the Project's ground floor retail bays are in line with the size and intensity of other retail uses on the block. The mix of uses anticipated for the Project are appropriate as the Property's block already contains residential uses and a diverse array of community-serving retail and services.

The Project's ample public open space at the corners of Bonifant and Fenton Streets, which will contain an urban community park with a central green, trees, a bio-retention basin, seating areas, and attractive lighting, provides an appropriate transition between the less intensive development on the east side of Fenton Street and the core of the Silver Spring CBD. The Project's streetscaping improvements along Bonifant Street will facilitate connections between Fenton Village and the CBD core and stimulate pedestrian activity in Fenton Village and the CBD core. The infill, mixed-use, and urban nature of the Project is therefore harmonious with both existing uses and proposed development.

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

Applicant has provided an approved Natural Resource Inventory/Forest Stand Delineation and Preliminary Forest Conservation Plan under Chapter 22A of the Montgomery County Code. Pursuant to Chapter 19 of the Montgomery County Code, Applicant will provide sediment and erosion control and water quality and quantity treatment as required by

Montgomery County laws, rules, and regulation. This is demonstrated in the concept sediment control plan and conceptual stormwater management plan included in the application. The Project also utilizes stormwater management and environmental site design measures, including a green roof, a micro planter box that will capture runoff from non-green roof areas, and a filter in the underground garage that treats runoff not captured by the green roof and the micro planter box.

V. PARKING WAIVER

Applicant seeks an 87 percent waiver of the off-street parking standards under Section 59-E-4.5 of the Zoning Ordinance. As noted above, the Project provides 28 off-street parking spaces. Article 59-E of the Zoning Ordinance, however, requires that Applicant offer 210 off-street parking spaces. Section 59-E-4.5 of the Zoning Ordinance authorizes the Planning Board, among others, to waive any off-street parking requirements that are unnecessary to meet health, safety, and circulation needs. It would be appropriate for the Planning Board to find that the waiver of 87% of the spaces for the Project does not undermine off-street parking objectives. First, the number of spaces from which Applicant seeks a waiver is not necessary for the “protection of the health, safety, and welfare of those who use any adjoining land or public road that abuts a parking facility.” Section 59-E-4.2(a) of the Zoning Ordinance. The Project will provide underground parking, which will shield individuals from noise, glare, and reflection from automobiles, lights, and fumes. People who cannot park in the garage will use the public parking garages that are in the immediate vicinity of the Project, which furthers the County’s goals of reducing automobile traffic and better utilizing the existing County-owned parking facilities. Additionally, the 87% waiver is not needed to secure the “safety of pedestrians and motorists within a parking facility.” *Id.* at 4.2(b). The underground parking structure proposed by the Project offers sufficient space and facilities to allow safe use by both drivers and pedestrians. Being within the Central Business District (“CBD”), the Project’s small garage is sufficient to allow for safe movement of pedestrians and motorists within the garage while encouraging use of nearby parking facilities all within safe walking distance.

Applicant’s requested waiver also does not impede the “optimum safe circulation of traffic within the parking facility and the proper location of entrances and exists to public roads so as to reduce or prevent traffic congestion.” *Id.* at 4.2(c). The Project’s below-grade parking

contains appropriate drive aisles for effective movement and will be accessed via a ramp from Bonifant Street, which will provide a suitable connection to surrounding roadways. The State's project team working on the Purple Line, as well as the County's Department of Transportation, have all reviewed and approved of the proposed entrance onto Bonifant Street. The small number of spaces, only 28, helps assure that traffic congestion will not be an issue. Furthermore, the waiver will not prevent the "provision of appropriate lighting, if the parking is used after dark." *Id.* at 4.2(d). The Project's parking facility will offer proper illumination for the safe circulation of automobiles and pedestrians.

A parking waiver would also be appropriate as the Project is specifically designed to reduce dependence on the automobile, offer easy access to the CBD's ample public transportation options, and facilitate pedestrian activity through Fenton Village to the CBD core. The Project is located near many existing public transportation services, which is reflective of its location within the busy CBD. The Silver Spring Metro and MARC stations are located approximately 0.3 miles from the Property. According to the MyMontgomery online services locator, 120 bus stops are located within one-half a mile of the Property. RideOn bus routes 16, 17, and 20 and Metrobus routes F4 and F6 serve the Property along Fenton Avenue and RideOn bus routes 15, 19, and 28 and the Metrobus J4 route serve along Wayne Avenue. Metrobus routes 70 and 71, along with RideOn bus route 28 serve Georgia Avenue near the Property. There are also ample public parking facilities proximate to the Property, including four public parking garages (Garage 60 [Wayne-Ellsworth Garage], Garage 5 [Bonifant-Dixon Garage], Garage 61 [Ellsworth-Roeder - Town Square Garage], and Garage 4 [Fenton Street Village Garage]) and four public parking lots (Public Parking Lot 38, Public Parking Lot 29, Public Parking Lot 3 [Fenton Street Village Lot], and Public Parking Lot 20) within ¼ of a mile. As noted above, the Project is also entirely integrated with the planned Purple Line and is located within steps of a future Purple Line rail stop.

Additionally, a parking waiver is integral to providing much needed affordable housing in Montgomery County. The Project includes 18 MPDUs and 16 WFHUs and, as noted above, intends to provide additional affordable dwelling units for tenants with a range of incomes. Underground parking, however, is an expensive residential amenity, especially in a confined


CBD. Applicant seeks to minimize the number of underground parking spaces and unbundle parking costs from housing costs in order to maintain affordable housing rates for as many of the Project's units as possible. The requested parking waiver thus increases affordable housing opportunities. Therefore, Applicant's requested parking waiver satisfies Zoning Ordinance criteria and furthers valuable policy goals of Montgomery County of providing additional affordable housing.

VI. CONCLUSION

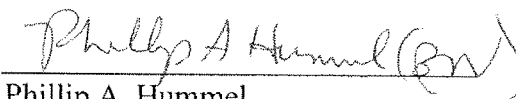
Applicant respectfully requests that the Planning Board grant approval of the Site Plan Application, including a Parking Waiver under Section 59-E-4.5 of the Zoning Ordinance and permission to use the Fenton Village Overlay Zone height limit of 110 feet for the accommodation of workforce housing units. As explained above and shown in the plans submitted with the Application, the Project satisfies the findings that the Planning Board must make to approve a Site Plan under Section 59-D-3.4(c) of the Zoning Ordinance.

Respectfully submitted,

LINOWES AND BLOCHER LLP

By: 

Emily J. Vaias

By: 

Phillip A. Hummel

7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
(301) 961-5174 (Vaias)
(301) 961-5149 (Hummel)

Attorneys for Applicant

RECEIVED
M-NCPPC
MAR 11 2013
MONTGOMERY COUNTY
PLANNING DEPARTMENT



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 28, 2013

Amy Quant, P.E.
Loiederman Soltesz Associates, Inc.
2 Research Place
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Silver Spring Library Residences
Site Plan #: 820130100
SM File #: 248871
Tract Size/Zone: 0.68 Ac./CBD-1
Total Concept Area: 0.62 Ac.
Lots/Block: P27, P3, P2 / 1.
Watershed: Sligo Creek

Dear Ms Quant:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of green roof and micro-biofiltration. Due to site limitations a waiver is granted for treatment of the remaining ESD target volume.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Green roof will be provided with 2,788 sqft at 8" thick and 3,200 sqft at 2" thick.
7. Please submit a copy of the lease agreement that identifies who is responsible for maintenance of the stormwater management.
8. Use MCDPS latest design criteria for stormwater structures at time of detailed plan submittal.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

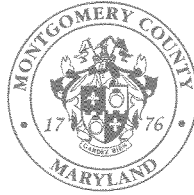
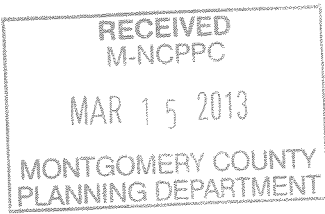


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN248871 Silver Spring Library Residences.DWK

cc: C. Conlon
SM File # 248871

ESD Acres: 0.3
STRUCTURAL Acres:
WAIVED Acres: 0.68



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

March 14, 2013

Richard Y. Nelson, Jr.
Director

Ms. Erin Grayson
Area I Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Silver Spring Library Residential
Project Plan No. 920130040 & Site Plan No. 820130100

Dear Ms. Grayson:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Project and Site Plans. The Development Data Table on the plans shows an incorrect bedroom distribution for the MPDUs and Workforce Housing Units (WFHUs). This distribution will need to be corrected at certified site plan.

DHCA finds the plans to be otherwise responsive to DHCA's Development Review Committee (DRC) comments for the meeting on February 25, 2013, and recommends Approval of the Project and Site Plans.

Sincerely,

Lalal Greene
Chief, Division of Housing, DHCA

cc: Pete Gartlan, Donohoe
Emily Vaias, Linowes and Blocher
Stephanie Killian, DHCA
Christopher J. Anderson, DHCA

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Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca





FIRE MARSHAL COMMENTS

DATE: 13-Mar-13
TO: James Chapman - jchapman@lsassociates.net
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Silver Spring Library Residences
920130040 820130100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **13-Mar-13** .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.



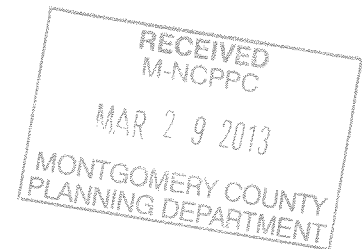
MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Darrell B. Mobley, Acting Secretary • Ralign T. Wells, Administrator

March 21, 2013

Ms. Erin Grayson
Senior Planner, Area 1
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring MD 20910



RE: Silver Spring Library Residential
Project Site Plan No. 820130100

Dear Ms. Grayson:

At the request of Montgomery County Maryland-National Capital Park & Planning Commission (M-NCPPC) the Maryland Transit Administration (MTA) provided review comments on February 25, 2013 on the Silver Spring Residential Project site plans developed by Loiederman Soltesz Associates in the area of the proposed Purple Line light rail project. Our comments and concerns, in terms of potential conflicts with the Purple Line plans, were then responded to point by point in a March 6, 2013 letter from Loiederman Soltesz Associates. MTA has also reviewed the more recent plans of March 2013 for the Silver Spring Residential Project that now incorporates our comments submitted in February, and we offer the comments presented below.

The plans call for a proposed driveway off of Bonifant Street, entering a garage at the west end of the Silver Spring Library Residential building. After construction of the Purple Line, vehicles entering and exiting this garage must cross the proposed tracks. The MTA has determined that the location of the garage access would be workable given the low speed of the light rail through this area and the low traffic volume projected to be using the garage. MTA will continue to coordinate with Montgomery County and the Silver Spring Residential Project team on any supplemental warning devices required when the Purple Line is constructed, as well as the issues highlighted in the letter from Loiederman Soltesz Associates which include:

- Details on the Overhead Catenary System (OCS) connections to the Silver Spring Residential building, including any grounding and bonding requirements. This connection is required since the proposed building configuration does not leave space for poles to support the OCS behind the proposed sidewalk.
- Designation of a communication and electrical room for the Purple Line Station within Retail Space 4.
- Accommodating the light rail vehicle surcharge loads equivalent to a 3 foot height of soil on the below grade garage walls and foundations adjacent to the Purple Line.

Ms. Erin Grayson
Page Two

MTA appreciates the opportunity to review and comment on the Silver Spring Residential Project plans and look forward to continuing this coordination. Please do not hesitate to contact me at 443-451-3718 or at mmadden@mta.maryland.gov, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Madden". The signature is written in a cursive style with some capital letters.

Michael D. Madden
Purple Line Project Manager

cc: David Anspacher, M-NCPPC
Tom Autrey, M-NCPPC
Gary Erenrich, MCDOT
Brian Riffel, WR&A



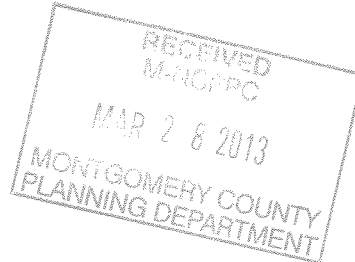
DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 20, 2013

Ms. Erin Grayson, Senior Planner
Area I Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Project Plan No. 9-20130040
Site Plan No. 8-20130100
Silver Spring Library Residential

Erin
Dear Ms. Grayson:

We have completed our review of the project and site plan dated March 6, 2013. The initial plan submission was reviewed by the Development Review Committee at its meeting on February 25, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Reserve right-of-way in fee simple (for public right-of-way) along both adjacent alleys to provide twenty (20) feet of pavement for public use.
2. Grant any necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. As Lead Agency for site access and intersections, MCDOT does not support site access from Bonifant Street and maintains a strong preference for the garage access to be located along either of the adjacent alleys. Our reasons for this position include:

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

a. Purple Line

- i. The proposed design adds an additional uncontrolled crossing across the Purple Line. It block will one of the few uncontrolled crossings in the system (the other being the block of Bonifant St immediately west of Georgia Ave), posing potential expectancy issues to motorists, bicycles, pedestrians, and transit operators alike.
- ii. The intersection will include counterintuitive geometry with unique operations, including one-way roadway traffic, trains approaching from both directions, and high volumes of both bicyclists and pedestrians.
- iii. Insufficient visibility at the proposed entrance (less than 150' sight distance to the curve). While the Purple Line is being designed for a 5 MPH curve and that the available distance should be technically adequate, motorists can feel at risk in such situations; and large vehicles (such as light rail transit vehicles) can appear faster, inciting motorists to react suddenly, hastily, and without giving due consideration of their actions.
- iv. Eastbound lefts turns into the site must cross over a same-direction travelway (the eastbound Purple Line tracks) in addition to the opposite-direction westbound tracks. While the proposed phasing (which is prone to change) at Georgia Ave would have eastbound vehicles on Bonifant St ahead of Purple Line vehicles, left-in motorists could be delayed by an westbound opposing train, parking vehicles, or any other reason such that trains may catch up from behind. Motorists may subsequently turn into the path of eastbound trains approaching from behind. Dynamic warning signing may help reduce – but not eliminate – such risks. Forming a left-turn lane upon approach would create a more conventional geometry but at potential delay to the Purple Line.
- v. Motorists may drive down the tracks and through the library site, as at this time there is no design proposed to specifically discourage or prohibit this.
- vi. The risk of U-turns from the garage to the alley, traveling the wrong way along Bonifant Street & within the Purple Line trackage.

- vii. It is relevant to consider that the development will be marketed as senior housing, where the operating demographic may have difficulty looking left/right, reduced cognitive capabilities, slower reaction times, and additional difficulty navigating such complex situations.
- viii. The Purple Line team has indicated a preference for site access from the alleys.

b. Intersection Spacing

- i. At approximately 4-6 ft separation edge-to-edge, the proximity to the adjacent alley falls within our minimum 100 ft tangent separation.
- ii. While this is not unprecedented, at similar cases (such as Studio Plaza) we have required a minimum 6 ft pedestrian refuge in between and that the adjacent alley operate as a one-way roadway.
- iii. U-turns from the garage to the alley may be likely to occur, particularly owing to two potential motorist paths:
 - 1. North-bound motorists seeking to avoid a left-turn onto Fenton Street which passes through two-signals, instead using the alleys to go only through the Fenton/Wayne signal.
 - 2. When Bonifant Street is one-way eastbound (as with the Purple Line), traveling the wrong way down the road to access the alley, making a left-out onto Wayne Ave.

Necessary turn radii from the garage into the alley (or from the alley into the garage) may be difficult to accommodate physically as well as with regard to pedestrian/bicycle impacts, potentially necessitating restrictions on such movements.

c. Angle

- i. The adjacent alley presently intersects with Bonifant at 90°; the proposed angle is 79°.
- ii. While the proposed angle falls within what is acceptable, any angle is not necessarily preferable.
- iii. The shallower angle can prompt higher-speed left-turns into the alley, which may pose greater risk to pedestrians, bicyclists, opposing motorists, and eventually the Purple Line.
- iv. The sharper angle can cause right-turns into the alley to have difficulty

making the turn, potentially requiring larger radii to avoid impacts to opposing traffic either on Bonifant Street or in the alley. While this issue will no longer be an issue with the Purple Line, it will still be relevant for as long as Bonifant St remains bidirectional.

- v. Sight distance can be difficult to achieve for lefts-out, as sharper left-side angles create a more uncomfortable angle for motorists to turn for visibility. This issue can be alleviated by making the roadway one-way away from Bonifant St.
- d. Offset from Opposing Driveways
- i. Left-turns from Bonifant Street (particularly while it remains a bidirectional roadway) may conflict with each other, potentially blocking both directions of the roadway.
 - ii. Turns out of the driveways (whether they are left- or right-turns) may conflict with each other should they be destined for the same direction, with right-of-way between the movements potentially being counterintuitive or difficult for motorists to be aware of.
 - iii. One of the driveways to the south serves a public parking facility, increasing the public's interest in adequate safety and operations of this area.
4. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than 24 ft to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width permits an inbound lane width of fourteen (14) feet and an exit lane width of 10 ft. However, recognizing that the garage access will serve only a limited number of smaller vehicles – 28 parking spaces and shuttle pickup / drop-off – we are willing to accept a minimum width of 20 ft.
 5. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
 6. Provide on-site disabled access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
 7. We suggest a readily-accessible ADA-compliant pedestrian access at the rear of the building, into the alley adjacent to the library, to provide more convenient access between the site and the Wayne Avenue public garage.

Ms. Erin Grayson

Project Plan No. 9-20130040

Site Plan No. 8-20130100

March 20, 2013

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8. Confirm that the alley beside the Library, connecting to Wayne Ave, will be publicly accessible, either as public right-of-way or within a Public Access Easement. The alley must be capable of accommodating trucks & must be constructed prior to use by Silver Spring Library Residential.
9. If WB-50 vehicles cannot be accommodated within the alleys, the Signs and Marking Plan should reflect installation of appropriate (restriction) signage.
10. Provide truck loading spaces in accordance with the Executive Branch's "Off-Street Truck Loading Space" policy. If the applicant proposes to provide fewer truck loading spaces than required under that policy, the applicant will need to submit a Design Exception request with their proposal describing how they will manage provided spaces.
11. Relocation of utilities along existing roads to accommodate the required roadway modifications shall be the responsibility of the applicant.
12. If the proposed development will alter any existing County-maintained street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at 240-777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. If the proposed development will alter or impact any existing County-maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at 240-777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Spacing and species of trees in the County rights-of-way shall be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at 240-777-7651.
15. Coordinate any impacts to existing parking meters with Mr. Jeremy Souders of our Division of Parking Management at 240-777-8740.
16. Coordinate with Mr. Mike Madden of the Maryland Transit Administration at 443-451-3718 for impacts to the Purple Line.

Ms. Erin Grayson
Project Plan No. 9-20130040
Site Plan No. 8-20130100
March 20, 2013
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17. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

- a. The Traffic Mitigation Agreement must include provision for a bikesharing station. The community urban park located on the Library Site at the corner of Fenton and Bonifant Streets has good visibility and accessibility and is therefore a first choice for a bikeshare station location. However, should a bikeshare station not be located in the urban park, the Silver Spring Library Residential development should provide for space for a bikeshare station on its site. The dimensions of the station for planning purposes can be discussed with Commuter Services. Contact Sande Brecher for more information at (240) 777-8384. On the site plan, show the proposed location for one bikesharing docking station to enable this form of transportation to be used by residents, employees and visitors at the Project.
- b. Bikeshare will form an integral part of the public transit network to serve both residents and retail patrons of this project and the patrons of the adjoining Silver Spring Library. In the event that the additional height and density allocations requested for this project are granted, Applicant should be required to pay the capital cost of a bikeshare station and 12 years of operating expenses.
- c. In the Public Plaza, provide pavilions that have electric and water connections. Provide kiosks to provide opportunity for transportation information displays.
- d. In designing residential lobby area(s), incorporate display space into lobbies and other high pedestrian activity areas and opportunity for information on each level of the underground garage. Include connections for electronic (LCD) display screens and Real Time Transit Information Signs in lobbies, elevators, and garage. This will enable outreach to building residents, employees, visitors, etc. Include a concierge or reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.
- e. Design building frontages/lobbies to provide two-way visibility for proposed Purple Line, transit vehicles and taxis, etc. along Bonifant Street and toward Fenton Street.

18. Other than comments specified in this letter, we defer to Mr. Sam Farhadi of the Department of Permitting Services for comments on the transportation-related elements of the Site Plan. Mr. Farhadi can be reached at 240-777-6333.

Ms. Erin Grayson
Project Plan No. 9-20130040
Site Plan No. 8-20130100
March 20, 2013
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19. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following modifications:

- A. Provide Silver Spring Central Business District streetscaping improvements along the Bonifant Street site frontage. Bonifant Street should follow a modified MC-2005.02 cross-section with 6 ft sidewalks and 5 ft planting strips.
- B. Street grading, paving, side drainage ditches and appurtenances along the alleys. The alleys are to be designed to standard MC-201.01 with a 20 ft paved travelway.

NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- C. Additional road modifications may be required as a result of a review of a traffic study.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this project plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our Development Review Engineer for this project, at andrew.bossi@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Ms. Erin Grayson
Project Plan No. 9-20130040
Site Plan No. 8-20130100
March 20, 2013
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m:\subdivision\bossia01\developments\east\silver spring library residential (920130040)\2013 03 20 - project plan approval.doc

cc: Jalal Green MCDHCA
Stephanie Killian MCDHCA
Peter Gartlan Donohoe Development
Chris Pilla VOA
Amy Quant Loiederman Soltesz
Wes Guckert The Traffic Group
Emily Vaias Linowes & Blocher
Mike Madden MDMTA
Robert Kronenberg M-NCPPC Area 1
Matthew Folden M-NCPPC Area 1
Marc Lewis-deGrace M-NCPPC Area 1
Catherine Conlon M-NCPPC DARC
Tom Autrey M-NCPPC FPPD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Rick Brush MCDPS WRM
Bill Campbell MCDPS WRM
Marie LaBaw MCFRS
Gary Erenrich MCDOT DO
Sande Brecher MCDOT DTS
Beth Dennard MCDOT DTS
Brett Linkletter MCDOT DHS
Rick Siebert MCDOT DPM
Jeremy Souders MCDOT DPM
Joseph Madison MCDOT DPM
Emil Wolanin MCDOT DTEO
Dan Sanayi MCDOT DTEO
Fred Lees MCDOT DTEO
Will Haynes MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Bruce Mangum MCDOT DTEO
Andrew Bossi MCDOT DTEO



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 13, 2010

Susan Churchill
Montgomery County DGS
1010 Monroe Street, 11th Floor
Rockville, MD 20850

Re: Final Forest Conservation Plan
Silver Spring Library
MR 2010719-DGS-1

Dear MS Churchill:

Based on the review by Environmental Planning of the Montgomery County Planning Department, the Final Forest Conservation Plan for the Silver Spring Library submitted on July 1, 2010 is approved. The final forest conservation plan contains no forest onsite and will meet the afforestation requirements by an in-lieu fee payment. The in-lieu fee payment must occur prior to any clearing or grading on any lands subject to this forest conservation plan.

This letter must appear on all reproduced copies of the approved Final Forest Conservation Plan. Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to Planning Department for review and approval prior to those changes occurring.

Please contact Mr. Josh Kaye at Joshua.Kaye@montgomeryplanning.org at 301 495-4658 to schedule all necessary inspections including the pre-construction meeting. If you have any questions regarding these actions, please feel free to contact me at 301 495-4730.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Pfefferle".

Mark Pfefferle
Acting-Chief, Environmental Planning
Forest Conservation Program Manager

Cc: Mike Norton (via fax to 301 216-9649)
FCP File MR2010719-DGS-1



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Whom it may concern:

FROM: Mark Pfefferle, Supervisor, Environmental Planning *MP*

DATE: July 30, 2010

SUBJECT: Forest Conservation In lieu fee payment

Pleased deposit the attached check #0001603546 for \$13,068.00 into the Forest Planting and Protection account # 494499-8820. Thank you.



Department of Finance
 Division of Treasury
 255 Rockville Pike, Suite L-15
 Rockville, Maryland 20850

JULY 9, 2010

000001R10010000109 -005030000000-0024630712
 MARYLAND NATIONAL CAPITAL
 PARK & PLANNING COMMISSION
 8787 GEORGIA AVENUE
 SILVER SPRING, MD 20910

VENDOR NUMBER: 6960045941-05
 CHECK DATE: 07/09/10
 CHECK NUMBER: 0001603546
 CHECK AMOUNT: \$13,068.00

PAGE: 1 OF 1

INVOICE DATE	INVOICE NUMBER	INVOICE DESCRIPTION	GROSS AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
07/09/10	DV0363200203-01	*061010*SS LIBRARY FCP 6/10/10	\$13068.00	\$0.00	\$13068.00
TOTAL			\$13068.00	\$0.00	\$13068.00



MNTCK1FRM 08/2010

If you have questions regarding this payment please contact the Accounts Payable department at (240) 777-8850.

PLEASE FOLD ON PERFORATION AND DETACH HERE. THIS CHECK IS PRINTED ON A BLUE BACKGROUND



Department of Finance
 Division of Treasury
 255 Rockville Pike, Suite L-15
 Rockville, Maryland 20850

0001603546
 JULY 9, 2010

Pay To The Order Of: MARYLAND NATIONAL CAPITAL
 PARK & PLANNING COMMISSION
 8787 GEORGIA AVENUE
 SILVER SPRING, MD 20910

15-3/540

VOID AFTER 6 MONTHS

*****\$13,068.00***

Amount: THIRTEEN THOUSAND SIXTY EIGHT DOLLARS AND 00/100

PNC BANK, N.A. 040
 WASHINGTON DC

Jennifer E. Bantle

Authorized Signature

⑈0001603546⑈ ⑆054000030⑆ 5303548105⑈

-----Original Message-----

From: Crispell, Bruce [mailto:Bruce_Crispell@mcpsmd.org]

Sent: Wednesday, March 13, 2013 03:49 PM

To: Vaias, Emily J. - EJV

Cc: Harris, Samantha <Samantha_Harris@mcpsmd.org>; Turpin, Janice <Janice_Turpin

Subject: RE: Silver Spring Library Residential Project

Emily,

If all of the units in the 155 multi-family development are regular market (not senior) t generation of the project would be property is:

Elementary Students = 7

Middle Students = 6

High Students = 5.

This property is served by Sligo Creek Elementary School and Silver Spring Internationa school level the property is in the Downcounty High Schools Consortium, where studer five high schools based on program. Students who reside in the "base area" of each hi attend that high school if they so choose. This property is in the base area of Northwo Subdivision Staging Policy, FY 2013 School Test, residential developments in the North a school facility payment due to high utilization levels at Northwood High School.

Hope this helps.

Bruce Crispell

Director, Division of Long-range Planning Montgomery County Public Schools

(240) 314-4702 (office)

(301) 279-3062 (fax)

45 West Gude Drive, Suite 4100

Rockville, Maryland 20850

bruce_crispell@mcpsmd.org

-----Original Message-----

From: Vaias, Emily J. - EJV [mailto:EVaias@linowes-law.com]

Sent: Wednesday, March 13, 2013 1:39 PM

To: Turpin, Janice

Grayson, Erin

From: Paola Moya <Paola@marshallmoya.com>
Sent: Monday, March 11, 2013 9:20 AM
To: Grayson, Erin
Cc: jasonrbaumann@aol.com; rburcroff2@comcast.net; jbcies@aol.com; Michael Marshall; rohroh21@yahoo.com; 'Ken Han'; 'Jillian Benstein'; onejuan_1@hotmail.com; colinking24@yahoo.co.uk; megantyson12@yahoo.com; rizwanakhalil@gmail.com; tassefaw@hotmail.com; runderhi@gmail.com; rephaelh@gmail.com
Subject: RE: Silver Spring Library Residential images
Attachments: crescent construction letter.docx

Good morning Ms. Grayson

Thank you for meeting us last time at your offices to review the design that will be located behind my building. As a resident and architect, I find it extremely difficult to understand why VOA Associates Inc. have presented such a plain design in a fast growing contemporary downtown Silver Spring. The façade articulation presented on Bonifant street and behind our building is very unattractive, with a design that does not have any carving to its massing leaving the form to be a simply box. I also find it incredible to see that their precedent images are of buildings that will be destroyed like the old Silver Spring library or buildings that do not provide any modern architectural inspiration. Also, there is no sense of anchor element at street level. A canopy at the corner of the building receiving pedestrians would be ideal to welcome visitors and residents to the building.

Ms. Grayson, the architects need to go back to the drawing board and wear a creative hat. An inexpensive building that looks attractive can be done and has been done in the past (see images below). VOA Associates need to improve their design, provide more vertical and horizontal elements, add color to the façade if needed, shift the massing to create breaks in the façade, and soften the street level corridor to generate a sense of vibrancy and connectivity with the new library.

Below is a link of an upcoming development in Silver Spring. We need to have better buildings in our area and change the design while the ink is not dry. After they pour concrete there is very little work than can be done and we will have to see this Wal-Mart style building for many years.

I am attaching correspondence from Crescent residents about their dissatisfaction with the presented design by VOA Associates. More emails to follow.

<http://greatergreaterwashington.org/post/17733/rebuild-of-the-blairs-will-turn-silver-spring-parking-into-parks/>

Thank you.

From: Ken Han [mailto:kenneth.han71@gmail.com]
Sent: Friday, March 08, 2013 7:16 PM
To: Paola Moya
Subject: Re: Silver Spring Library Residential images

Dear Ms. Grayson,

My name is Ken and I am a resident of the Crescent Condominiums. I recently saw the plans for the new Library Residences that will be built behind my building. I was disappointed to see that the structure's form was so

unimaginative as compared to the new library and other construction projects in downtown Silver Spring. I hope you will consider reevaluating your plans and incorporate a more pleasing aesthetic, including more green space and other modern sensibilities. Your decision will have a significant impact on our expanding community.

Ken Han
kenneth.han71@gmail.com
The Crescent Unit 1103

From: Jillian Benstein [mailto:benst97@gmail.com]
Sent: Friday, March 08, 2013 11:39 AM
To: Paola Moya
Subject: RE: Silver Spring Library Residential images

Ms. Grayson:

After viewing the plans for the new library residences, which will be directly behind my building, the Crescent, I wanted to express my comments and complaints.

Although I value that you have incorporated green space into the design I am disappointed that the dull building facade is not in line with Silver Spring's modernization. Pleasing design elements that reflect our community versus older dilapidated brick buildings of the past, reflect the direction of growth for our city.

Please consider altering the design to be less generic and more unique in architecture. The reputation and economical growth of Silver Spring's community depends upon the beauty and care that is put into its architecture to reflect the people of this community.

Jillian Benstein
Crescent Condo
930 Wayne Ave.
Unit 1002

From: Megan Tyson [mailto:megantyson12@yahoo.com]
Sent: Thursday, March 07, 2013 9:43 AM
To: Paola Moya
Subject: Re: Silver Spring Library Residential images

Dear Ms. Grayson:

I recently saw the plans for the new library residences, which will be built behind my building in the Crescent Condominiums and will replace my current view.

Though I appreciate the design plans to add space between our two buildings and think the grass courtyard is a nice touch, I'd like to make a complaint about the current plans for the

overall look of the building. I think the current structure is too boring, bland, and functional, lacking much that would be appealing to the eye.

As downtown Silver Spring grows, it's important to build strategically, using buildings that are appealing, that bring in vendors that would love to rent space in a good-looking retail area, and would appeal to new residents. With just a few tweaks in design, changing the dull brick monster block into something with a little more shape, I think the overall community and everyone involved would greatly appreciate this. I, for one, would greatly appreciate an improvement.

Sincerely,

Megan Tyson
Unit #1003
Crescent Condos

Low income units Architect Suzane Reating 625 Rhode Island Ave.





CITY VISTA mixed use housing rental side. Marshall Moya Design





Paola Moya

Principal, Assoc. AIA, NOMA



Our Product Design Company, inNuevo is
Launching its FIRST Product, the DOCKr, April 2!

Marshall Moya Design

Phone: 202.537.1107
2800 Quebec St., NW, No. 1021, Washington, DC 20008

Blog Website Facebook LinkedIn

From: Grayson, Erin [mailto:Erin.Grayson@montgomeryplanning.org]

Sent: Monday, February 25, 2013 2:11 PM

To: rburcuff2@comcast.net; Paola Moya

Subject: Silver Spring Library Residential images

Hi Richard and Paola,

Attached please find the draft architectural images for the Silver Spring Library Residential project. Please keep in mind that these are not final drawings.

Feel free to contact me with any questions.

Sincerely,

Erin

Erin Grayson, AICP
Senior Planner, Area 1

M-NCPPC Montgomery County Planning Department
8787 Georgia Ave
Silver Spring, MD 20910
T: 301.495.4598
F: 301.495.1304
erin.grayson@montgomeryplanning.org



February 25, 2013

Rose Krasnow, Director
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Development Plan for Silver Spring Library Residences

Dear Ms. Krosnow,

The Lofts 24 Condo building is located directly across Bonifant Street from the proposed Silver Spring Library Residences. I am writing on behalf of the Lofts 24 Condo Association. We have the following concerns about the proposed building:

Page 68 of the Silver Spring Master Plan states that the height limitations in Fenton Village range between 60 and 90 feet. The tallest buildings are to be along Georgia Avenue "tapered down moving east to Fenton Street." Lofts 24 was required to adhere to a 60-foot height limitation as it is located along Fenton Street. However, it appears that Silver Spring Library Residences will stand above the Library and Lofts 24. In addition, there does not appear to be any tapering of this building according to the direction of the master plan. In fact, the applicant has asked for a waiver of the height limitation. The height proposed for this building seems especially out of place in the corner that juts out towards the library. At a minimum, this area of the building should be not taller than the library itself.

In addition, the Lofts 24 Condo Association is concerned that if the Planning Department grants a height waiver to Silver Spring Library Residences, it will set a precedent that might lead to height waivers for all of the other proposed developments around our building. Should that occur, Lofts 24 would be dwarfed from all sides. We are asking that consideration be given to making Silver Spring Library Residences and other proposed developments in this area compatible with existing buildings such as Lofts 24.

Page 65 of the Master Plan clearly shows a new mid-block pedestrian/bike link between Bonifant Street and Wayne Avenue. The Library design provides part of this pedestrian connection. We ask that this pedestrian connection be continued across the Silver Spring Library Residences site as the Master Plan intended. Page 61 of the master plan states that inadequate pedestrian circulation and the ability to attract business from the Downtown Silver Spring core is one of the main problems facing Fenton Village. This pedestrian connection across a fairly lengthy block was meant to help solve this issue. The current design would complete a continuous wall of buildings between the Downtown area and Fenton Village, not even allowing a view from the Downtown into Fenton Village.

Silver Spring Library Residences appears to be taking credit for the public space and landscaping that are part of the Library and Transit Station, while doing very little in terms of either public space or landscaping close to the Residences itself. We believe this will have the effect of making the building seem like one very long, tall continuous wall along the train tracks. We are requesting that something be done to mitigate this.

Thank you for the opportunity to comment on this development plan.

Sincerely,

Farris L. Curry

Farris Curry, President
Lofts 24 Condominium Association
900 Bonifant Street
Silver Spring, MD 20910
Email: farrisc1@gmail.com

March 7, 2013

Erin Grayson, AICP
Senior Planner, Area 1
M-NCPPC Montgomery County Planning Department
8787 Georgia Ave
Silver Spring, MD 20910

Dear Ms. Grayson:

As an owner and resident of the Crescent Condominiums at 930 Wayne Avenue, the construction of another residential building abutting the Crescent may, understandably, cause concern for many of the residents. While my window views will not be affected by the construction of the apartment building, I am still interested in the general aesthetics of this building in how it will "fit" with ours. I attended a presentation of the plans of this apartment building and was not overly impressed with the exterior look of this building, which, to me, appears utilitarian and cold. It would greatly alleviate any lingering concerns over the impending construction of another "tower of bricks" if there's any way the exterior can be improved upon to give the look of a residential building in a residential neighborhood.

Thank you and best regards,



Irene Gorelik,
930 Wayne Avenue
Unit 1208
Silver Spring, MD 20910



William C. Davis, III, Esquire
240-507-1711 (O)
240-507-1735 (F)
wdavis@offitkurman.com

February 20, 2013

VIA FIRST-CLASS MAIL AND EMAIL (erin.grayson@montgomeryplanning.org)

Erin Grayson, Senior Planner
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: The Silver Spring Library Residential Project, located at 929 Bonifant Street,
Silver Spring, Maryland 20910, Application No. 820130100 (the "Project")
Our File No. 01510021.2

Dear Ms. Grayson:

This firm and the undersigned represent The Crescent Condominium, which is located at 930 Wayne Avenue, Silver Spring, Maryland. The Crescent is located directly behind (to the north and west) of the above-referenced Project. The Project will have a significant impact on the Crescent Condominium due to its close proximity to the Crescent Condominium. Because the Project will have such a significant impact on the Crescent Condominium, the Board of the Association and the residents have been closely following the progress of the Project, and are concerned about the impact the Project will have on their homes and lives.

We very much appreciate the time you and Robert Kronenberg afforded us on Friday of last week to discuss the Crescent Condominium's concerns about the Project. As you requested, the following are the concerns of the Crescent Condominium regarding the Project:

1. Rear Loading Dock

As planned, the loading dock for the Project is located in the rear of the building directly across from the Crescent Condominium. While the Crescent Condominium appreciates the design features of the loading dock area as currently configured, such as an enclosed trash room and a loading dock that does not face the Crescent Condominium, we are still very concerned about the truck noise the loading dock will generate as currently planned. Trash trucks, delivery trucks and moving trucks will have to enter the alley directly off of Bonifant Street, make the right turn onto the alley directly behind the Crescent Condominium and then back into the loading dock area in order to access the loading dock for the Project. The noise generated by trucks backing into the loading dock directly across from the Crescent Condominium is of great concern to our residents.



Erin Grayson, Senior Planner
February 20, 2013
Page 2

We would like to propose that the entrance to the loading dock be “rotated” one hundred eighty degrees (180°) within its current space so that the entrance is off of the alley directly off of Bonifant Street. This would mitigate the noise from trucks backing into the loading dock directly behind the Crescent Condominium to the alley directly off of Bonifant Street. There are no residential dwellings adjacent to the Bonifant Street alley, and merely “rotating” the entrance to the loading dock within the existing space should not result in any major redesign of the Project.

2. Screening of Roof-Top HVAC Equipment

According to the drawings made available thus far the screening of the roof-top HVAC equipment is nothing more than a plain metal box that is not tied-into the existing building facade in any way. The residents of the upper floors the south side of the Crescent Condominium should not have to view such an unattractive feature of the Project. The screening should be re-designed so that it is more compatible with the building facade and more aesthetically-pleasing. This is especially important since the Project is two-stories shorter than the Crescent Condominium and the upper floors of the south side of the Crescent Condominium will be looking directly at the roof screening.

3. Building Facade

According to the drawings made available thus far the building facade is far from aesthetically pleasing. The lack of balconies and other exterior design features typically found in high-rise residential construction makes the building look more like an office building rather than one for residential use. This is especially noticeable when compared with two buildings that will be adjacent to the Project: the Crescent Condominium and the new Silver Spring Library. As designed, the Project will not be compatible with the advanced design features of the Silver Spring Library.

My client has retained Paola Moya, a principal in the design firm of Marshall Moya Design in Washington, D.C., to work with the Applicant’s architect, VOA Associates, Inc., in an effort to improve the appearance of the building facade. The Applicant has agreed to have VOA Associates provide Ms. Moya with the design drawings in the near future.

4. Overall Building Height

As planned, the Project will be an eleven (11) story structure which, with the added height of the roof-top screening of the HVAC equipment, will almost entirely block the existing view of the those unit owners on the south and east sides of the Crescent Condominium. The adjacent

Offit | Kurman
Attorneys At Law

Erin Grayson, Senior Planner
February 20, 2013
Page 3

Silver Spring Library will only be a five-story structure that will be tied into the Project in an as-yet unspecified manner. The lack of compatibility between the height of the Project (11 stories) and the height of the Library (only 5 stories) is of great concern to the Crescent Condominium. We would like to propose that the height of the Project be reduced by two (2) stories to make it more compatible with the height of the new Silver Spring Library.

Anything you could do to ensure that these concerns are appropriately addressed would be greatly appreciated by the residents of the Crescent Condominium.

Please continue to keep me apprised of the progress of your review of the plans for the Project so that I can keep my client informed.

Best regards.

Very truly yours,


William C. Davis, III

WCD/lh